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2018 OA-20

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
A COMPREHENSIVE REVISION OF THE DANE COUNTY ZONING
ORDINANCE

10.0. General Provisions.

10.1. Title, Purpose and Statutory Authorization.

(1) Title.

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

(2) Purpose.

The purpose of this chapter is to:

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

(3) Statutory Authority.

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

39 10.2. Reenactment and Repeal.

40 (1) Rights and liabilities under previous code.

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

46 (2) Prior ordinance temporarily in effect.

47 As provided in [s. 59.69\(5\)\(d\), Wis. Stats.](#), the previous code known as "Chapter
48 10, Dane County Zoning Ordinance" shall remain in effect for up to one year from
49 [clerk to insert effective date] in all towns, or until the town board adopts this
50 ordinance, whichever comes first.

51 (3) Repeal of provisions not reenacted.

52 Effective one year from [clerk to insert effective date] all provisions of the
53 previous code known as "Chapter 10, Dane County Zoning Ordinance" which are
54 not reenacted herein are hereby repealed.

55 (4) Violations under previous code.

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

61 10.3. Jurisdiction, Effective Date and Interpretation

62 (1) Applicability and effective dates.

63 (a) Unincorporated areas.

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

70 1. (List)

71 (b) Incorporated areas.

72 Under [s. 59.69\(7\), Wis. Stats.](#):

- 73 1. Whenever an area which has been subject to a county zoning
74 ordinance petitions to become part of a city or village, the
75 regulations imposed by the county zoning ordinance shall continue
76 in effect, without change, and shall be enforced by the city or village
77 until the regulations have been changed by official action of the
78 governing body of the city or village.

- 79 2. In the event an ordinance of annexation is contested in the courts,
80 the county zoning shall prevail and the county shall have jurisdiction
81 over the zoning in the area affected until ultimate determination of
82 the court action.
- 83 **(c) Municipalities And State Agencies Regulated.**
84 Unless specifically exempted by law, all cities, villages, towns and
85 counties are required to comply with this chapter and obtain all
86 necessary permits for projects occurring within this chapter's
87 jurisdiction. State agencies are required to comply as required by [s.](#)
88 [13.48\(13\), Wis. Stats.](#) The construction, reconstruction, maintenance
89 and repair of State highways and bridges by the Wisconsin
90 Department of Transportation are exempt when permits under [s.](#)
91 [30.12, Wis. Stats.](#), are issued. Siting and construction of electric
92 generating facilities are exempt when the Wisconsin Public Service
93 Commission has issues a certificate of necessity and convenience
94 under [s. 196.491, Wis. Stats.](#)
- 95 **(2) Severability.**
96 **(a)** If any portion of this ordinance is adjudged unconstitutional or invalid
97 by a court of competent jurisdiction, the remainder of this ordinance
98 shall not be affected.
99 **(b)** If any court of competent jurisdiction shall adjudge invalid the
100 application of any portion of this chapter to a particular property,
101 building, or structure, such judgment shall not affect the application of
102 said provision to any other property, building, or structure not
103 specifically included in said judgment.
104 **(c)** If any requirement or limitation attached to a permit issued under this
105 chapter is found invalid, it shall be presumed that the permit would not
106 have been granted without the requirement or limitation and,
107 therefore, said permit shall also be invalid.
- 108 **(3) Abrogations and other restrictions.**
109 **(a)** It is not otherwise intended by this chapter to abrogate, repeal, annul,
110 impair or interfere with any existing plats, certified survey maps,
111 easements, covenants, deed restrictions, agreements, rules,
112 regulations or permits previously adopted or issued pursuant to law.
113 However, wherever this chapter imposes greater restrictions, the
114 provisions of this chapter shall prevail.
- 115 **(4) Interpretation and Application.**
116 **(a)** In their interpretation and application, the provisions of this chapter
117 shall be held to be the minimum requirements for the promotion of the
118 public health, safety, morals and welfare, and shall be liberally
119 construed in favor of the County and shall not be construed to be a
120 limitation or repeal of any other power now granted by Wisconsin
121 Statutes and possessed by the County.
122 **(b)** Where property is affected by the regulations imposed by any

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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.

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10.4. Definitions

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- (1) Abandoned or discontinued use.
- (a) Except as described in (b) below, when the nonconforming use of a property has ceased for twelve months or longer, a use shall be considered abandoned and discontinued.
- (b) Mineral extraction uses shall be considered abandoned or discontinued if the use ceases for twelve months or longer, unless the landowner or operator complies with all of the following:
1. Within twelve months of the effective date of this ordinance has submitted a reclamation plan under Chapter 74, Dane County Code;
 2. By January 31 of each year after submitting a reclamation plan, submits an annual report that meets all the requirements of [s.74.251, Dane County Code](#) and indicates the site was active during the previous year.
 3. Within twelve months of the receipt of notice under [s. 10.102\(7\)\(b\)2.](#), records a deed notice document, that:
 - (a) indicates the presence of a nonconforming mineral extraction site;
 - (b) describes the boundaries of the nonconforming mineral extraction site, and;
 - (c) is signed by the landowner and the zoning administrator.
 4. By January 31 of each year after submitting a reclamation plan, provide to the zoning administrator evidence, subject to inspection, that all of the following conditions are met:
 - (a) Verification of property ownership or an active mineral lease, as recorded with the Dane County Register of Deeds, between the landowner and a mineral extraction operator.

- 168 (b) The driveway accessing the subject site shall either be paved or
169 covered with crushed asphalt for a minimum distance of 100
170 feet from the public right-of-way.
171 (c) There shall be a safety fence around the entire extraction area
172 at all times.
173 (d) Driveway access points to the site shall be gated. All gates shall
174 be signed "no trespassing."
175 (e) The operator shall post clearly visible signage indicating the
176 presence of mineral extraction activity.

177 (2) Accessory building.

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

182 (3) Accessory dwelling unit - attached.

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

187 (4) Accessory dwelling unit - detached.

- 188 (a) A second dwelling unit, limited in size, which is in a freestanding
189 accessory building, located on the same lot as a principal dwelling.
190 (b) This definition includes accessory buildings constructed in connection
191 with a private garage or a private garage converted into a dwelling
192 unit.

193 (5) Accessory structure.

194 A structure associated with an accessory use.

195 (6) Accessory use.

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

199 (7) Active recreation.

- 200 (a) Non-motorized leisure and athletic activities, usually performed with
201 others, often requiring equipment and taking place at prescribed,
202 developed sites, fields, courts, courses or facilities. Active recreational
203 uses may involve relatively large numbers of participants or
204 spectators.
205 (b) Examples of such land uses include, but are not limited to: baseball or
206 softball diamonds, field sports, gymnasiums, ice rinks or arenas,
207 tennis courts, golf courses, swimming pools, velodromes and similar
208 land uses.

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

211 (8) Adult book store.

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

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

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

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

231 (d) Material, however distributed, which is published by a medical
232 products manufacturer, a medical or health association, an insurance
233 company, or by a consumer education organization shall not be
234 considered part of the business of operating an adult book store.

235 (9) Adult entertainment establishment.

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

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

250 (10) Adopted town and county comprehensive plan.

251 A town comprehensive plan adopted by both the affected town board and the
252 Dane County Board of Supervisors under [s. 66.1001, Wis. Stats.](#), and [Chapter](#)
253 [82, Dane County Code](#).

254 (11) Agricultural use.

255 Means any of the following activities conducted for the purpose of producing an
256 income or livelihood:

257 (a) Crop or forage production.

258 (b) Keeping livestock.

259 (c) Beekeeping.

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

261 (e) Floriculture.

262 (f) Aquaculture.

263 (g) Fur farming.

264 (h) Forest management.

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

267 (12) Agricultural accessory building.

268 A building or buildings used in the operation of a farm.

269 (13) Agricultural accessory use.

270 Any of the following land uses on a farm:

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

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

275 (c) Farm residence.

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

283 (14) Agricultural entertainment.

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

286 (b) Examples of agricultural entertainment include, but are not limited to:
287 corn mazes, pick-your-own operations, hay rides, sleigh rides, petting
288 farms, on-farm tours, agricultural related museums, demonstrations of
289 farming practices, techniques and methods, educational activities
290 about farm animals and camps centered around interaction with farm
291 animals, fee based fishing and hunting, horseback riding, nature trails,
292 haunted barns, farm breakfasts and luncheons, and similar activities
293 which are related to agriculture.

294 (15) Agriculture-related use.
295 A facility, whether or not located on a farm, that has at least one of the following
296 as a primary, and not merely incidental, purpose:
297 (a) Providing agricultural supplies, agricultural equipment, agricultural
298 inputs or agricultural services directly to farms, including farms in the
299 farmland preservation zoning district.
300 (b) Storing, processing or handling raw agricultural commodities obtained
301 directly from farms, including farms in the farmland preservation
302 zoning district.
303 (c) Processing agricultural by-products or wastes received directly from
304 farms, including farms in the farmland preservation district.

305 (16) Airport, landing strip or heliport.
306 A transportation facility that provides takeoff, landing, servicing, storage and
307 other services to any type of air transportation.
308 (a) Seaplane operation below the ordinary highwater mark of a navigable
309 water is not included in this definition, but such use may be regulated
310 under Chapter 72, Dane County Code.
311 (b) Except for emergency and rescue operations, the operation of any
312 type of air vehicle requiring Federal Aviation Administration pilot
313 certification shall occur only in conjunction with an approved airport,
314 landing strip, or heliport.

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

319 (18) Animal boarding, domestic pet.
320 Any premises that accommodates six or more domestic pets during the daytime
321 hours or overnight, including both indoor and outdoor facilities. May also include
322 accessory retail sales of pet food, pet supplies and related items, limited to 250
323 square feet of floor space.
324 (a) Examples of these land uses include: commercial kennels, pet
325 breeding operations and pet day-care operations.
326 (b) Domestic pet animal boarding does not include:
327 1. the keeping of six or more domesticated songbirds, aquarium fish or
328 reptiles, kept indoors and owned by a resident of the property;
329 2. temporary foster care not to exceed a residence of six weeks per
330 animal;
331 3. overnight or observational care for patients of a veterinary clinic;
332 4. large animal boarding, domestic fowl or beekeeping, colony houses,
333 small-scale farming or agricultural livestock operations.

334 (19) Animal boarding, large animal.
335 Any premises that accommodates six or more of any animals, not owned by the
336 owner of the property, not including domestic pets, domestic fowl or domestic

337 bees. Exercise yards, fields, training areas, and trails associated with such land
338 uses are considered accessory to such land uses and do not require separate
339 consideration.

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

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

347 (20) Animal unit.

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

352 (21) Apartment.

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

355 **(a)** a building containing two or more such rooms or suites or;

356 **(b)** a building devoted primarily to nonresidential use.

357 (22) Apartment building.

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

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

361 (24) Boathouse.

362 A permanent accessory structure used solely for the personal storage of
363 watercraft and associated materials.

364 (25) Boat slip.

365 A mooring accommodation for the in-water storage of a boat or other water craft
366 which is owned by other than a resident or owner of the premises.

367 (26) Building.

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

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

375 **(c)** The following are not considered buildings: poles, towers and posts
376 for lines carrying telephone messages or electricity and recreational

377 structures of open construction and without walls, such as swing sets,
378 slides, yard gyms, climbers, sand boxes and teeter totters.

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

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

385 (29) Building height.
386 (a) The vertical distance, measured from the mean elevation of the
387 finished grade along the front of the building to the highest point on
388 the roof for flat roofs; to the mean height level between the highest
389 ridge and its associated eave for gable and hip roofs; to the deck line
390 for mansard roofs.
391 (b) The front of the building shall be the side directly facing the public or
392 private thoroughfare which affords primary means of access to the
393 property, excluding the driveway.

394 (30) Building line.
395 (a) The building line shall be the point at which the building wall or any
396 appendage of the building such as steps, chimneys, decks, porches
397 or covered patios meet the ground.
398 (b) For earth sheltered homes, the building line is a line where the
399 exterior walls of the building if extended vertically would be located on
400 the lot or zoning parcel.

401 (31) Building setback line.
402 (a) A line that is parallel to the front or street lot line and is located at a
403 distance from either the center line of the adjacent highway or the
404 front lot line as provided for in [s. 10.102\(9\)](#) of this ordinance.
405 (b) For triangular or gored lots that do not have the required lot width at
406 the required building setback line, the building setback line shall be a
407 line that is parallel to the front lot line or if the front lot line is a curve it
408 shall be parallel to the chord of the arc of the curve of the front lot line
409 and located at the point on the lot where the length of the line meets
410 the lot width requirements of the zoning district in which it is located.

411 (32) Bus terminal.
412 A building or facility where passengers may board or leave intercity buses, also
413 facilities for baggage handling, bus package services and ticket sales.

414 (33) Campground.
415 Any parcel of land which is designed, maintained, intended or used for the
416 purpose of providing sites for nonpermanent overnight use by 2 or more camping

417 units, or which is advertised or represented as a camping area. Campgrounds
418 may include buildings to provide services to the patrons, such as restrooms,
419 bathing, laundry and commissary facilities.

420 (34) Campground, primitive.
421 Any campground which is accessible only by hiking, boating or canoeing.

422 (35) Camping unit.
423 (a) Any portable device, no more than 400 square feet in area, used as a
424 temporary shelter for a period not exceeding 180 days within any
425 calendar year.
426 (b) Camping units include, but are not limited to, a tent, camping trailer,
427 motor home, bus, van, or pickup truck that is fully licensed, if required,
428 and ready for highway use.

429 (36) Caretaker's residence.
430 A dwelling on a nonresidential property occupied by the person who oversees the
431 nonresidential property 24 hours a day, and his or her family.

432 (37) Cemetery.
433 (a) Any land, that is used, or intended to be used, for the burial of human
434 remains.
435 (b) Examples of cemeteries include, but are not limited to, cemeteries,
436 mausoleums, columbariums and burial chapels.

437 (38) Clear area.
438 An area adjacent to and completely surrounding each and every physical
439 structure comprising part or all of an historic site. No building or structure of any
440 kind, whether or not a permit therefor is required under this chapter, shall be
441 erected in the clear area and no obstacle of any kind, whether attached to an
442 allowed structure or not, shall be placed in the airspace above the clear area,
443 and no soil disturbance shall occur in the clear area.

444 (39) Colony house.
445 A building for the breeding and raising of experimental and laboratory animals,
446 such as white mice and rats, guinea pigs and the like, and for the storage of feed
447 and accessory materials.

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

454 (41) Communications tower.
455 (a) Except as exempted below, any of the following:

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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, 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.

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(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:

- 502 (a) For structures with an overall height of 200 feet or less, increases the
503 overall height of the structure by more than 20 feet.
504 (b) For structures with an overall height of more than 200 feet, increases
505 the overall height of the structure by 10 percent or more.
506 (c) Measured at the level of the appurtenance added to the structure as a
507 result of the modification, increases the width of the support structure
508 by 20 feet or more, unless a larger area is necessary for collocation.
509 (d) Increases the square footage of an existing equipment compound to a
510 total area of more than 2,500 square feet.

511 (43) Community living arrangements.

- 512 (a) Any of the following facilities licensed or operated, or permitted under
513 the authority of the Wisconsin Department of Health and Social
514 Services:
515 1. a community living arrangement for adults, as defined in [s. 46.03](#)
516 [\(22\), Wis. Stats.](#) and [s. 50.01\(1g\), Wis. Stats.](#)
517 2. a community living arrangement for children, as defined in [s. 48.743](#)
518 [\(1\), Wis. Stats.](#)
519 3. a foster home, as defined in [s. 48.02 \(6\), Wis. Stats.](#), or
520 4. or an adult family home, as defined in [s. 50.01 \(1\), Wis. Stats.](#)
521 (b) Community living arrangements do not include:
522 1. day care centers,
523 2. nursing homes,
524 3. hospitals,
525 4. prisons or jails.

526 (44) Community garden.

527 A private or public facility for cultivation of fruits, flowers, vegetables or
528 ornamental plants by more than one person or family.

529 (45) Composting facility.

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

533 (46) Condominium.

534 Individual ownership of a structure, a unit in a multi-unit structure, or a piece of
535 real property located on a commonly held parcel of land organized under [Chapter](#)
536 [703, Wis. Stats.](#) Buildings in a condominium shall meet the density and locational
537 requirements of the zoning district in which they are located.

538 (47) Consistent with.

539 Furthers or does not contradict:

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

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

558 (49) Contiguous.
559 Lots or parcels that share a common boundary for a distance of at least 66 feet.

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

564 (51) Development.
565 Any activity requiring any of the following:
566 (a) a zoning permit, conditional use permit or certificate of compliance
567 under this ordinance;
568 (b) a shoreland zoning permit under [Chapter 11](#), Dane County Code
569 (c) a floodplain zoning permit under [Chapter 17](#), Dane County Code
570 (d) an erosion control permit or stormwater management permit under
571 [Chapter 14](#), Dane County Code
572 (e) a sanitary permit under Chapter 46, Dane County Code.

573 (52) Development plan.
574 A scale drawing of the premises which accurately depicts:
575 (a) the shape and dimensions of the lot, zoning parcel, tax parcels, or
576 condominium units, as appropriate;
577 (b) the location and dimensions of all existing and proposed buildings and
578 other structures;
579 (c) the location and dimensions of all parking areas, loading areas,
580 circulation areas, and access drives;
581 (d) the distance in feet between all structures, and between all structures
582 and parking areas, abutting streets and highway rights-of-way or
583 easements and side and rear lot lines, and;
584 (e) any other information as the zoning administrator deems necessary to
585 determine the nature of the development.

- 586 (53) Development right.
587 (a) A potential new residential building site available under the policies of
588 an adopted town and county comprehensive plan, subject to the
589 standards of this ordinance and chapters 11, 17 and 75.
590 (b) For purposes of participating in a transfer of development rights
591 program, a development right exists on a particular property if
592 adopted town and county comprehensive plans would support a
593 rezone petition to allow residential development on the property.
- 594 (54) Divided highway
595 A highway with 2 or more roadways separated by spaces not intended for the
596 use of vehicular traffic.
- 597 (55) Domestic beekeeping.
598 The keeping of honeybees in a residential zoning district.
- 599 (56) Domestic fowl.
600 Female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not
601 considered domestic fowl for the purposes of this ordinance.
- 602 (57) Domestic pets.
603 (a) Any animal that:
604 1. has been bred or raised to live in or near the habitations of humans,
605 2. is not kept for slaughter, milk, eggs or the harvesting of fur, wool or
606 plumage, and;
607 3. is dependent on humans for food and shelter.
608 (b) Domestic pets include, but are not limited to: dogs, cats and domestic
609 ferrets.
610 (c) Domestic pets do not include: horses, sheep, any animal equivalent to
611 one-half animal unit or larger, endangered species, wildlife, livestock,
612 domestic fowl or bees.
- 613 (58) Drive-in establishment.
614 (a) An establishment which accommodates motor vehicles from which the
615 occupants may obtain or receive a service or product which may be
616 used or consumed in the vehicle on the same premises, or
617 (b) An establishment which accommodates motor vehicles for the
618 purpose of fueling or providing minor motor vehicle services.
- 619 (59) Duplex.
620 A dwelling designed or intended to be occupied by two families.
- 621 (60) Dwelling.
622 A building, or part of a building, containing living, sleeping, housekeeping
623 accommodations and sanitary facilities for occupancy by one or more families.
- 624 (61) Electric generating facility.

625 Any equipment together with associated structures, buildings, grounds and other
626 facilities intended to produce electricity consumed primarily off the premises.

627 (62) Explosive materials.

- 628 (a) Any chemical compound, mixture or device, the primary or common
629 purpose of which is to function by explosion, except as exempted
630 below.
- 631 (b) Explosive materials include, but are not limited to, dynamite and other
632 high explosives, slurries, emulsions, water gels, blasting agents, black
633 powder, pellet powder, initiating explosives, detonators, safety fuses,
634 squibs, detonating cord, igniter cord and igniters.
- 635 (c) Exemptions.
- 636 (d) For the purposes of this ordinance, the following are not considered
637 explosive materials:
- 638 1. Fireworks, as defined in [s.167.10, Wis. Stats.](#)
 - 639 2. Fuel or a lubricant.
 - 640 3. A firearm cartridge or shotgun shell.
 - 641 4. A flare used or possessed or sold for use as a signal in an
642 emergency or in the operation of a railway, aircraft, watercraft or
643 motor vehicle.
 - 644 5. A match, cigarette lighter, stove, furnace, candle, lantern or space
645 heater.
 - 646 6. A cap containing not more than one-quarter grain of explosive
647 mixture, if the cap is used or possessed or sold for use in a device
648 which prevents direct bodily contact with a cap when it is in place for
649 explosion.
 - 650 7. A toy snake which contains no mercury.
 - 651 8. A model rocket engine.
 - 652 9. Tobacco and a tobacco product.
 - 653 10. A sparkler on a wire or wood stick not exceeding 36 inches in length
654 that is designed to produce audible or visible effects or to produce
655 audible and visible effects.
 - 656 11. A device designed to spray out paper confetti or streamers and
657 which contains less than one-quarter grain of explosive mixture.
 - 658 12. A fuseless device that is designed to produce audible or visible
659 effects or audible and visible effects, and that contains less than
660 one-quarter grain of explosive mixture.
 - 661 13. A device that is designed primarily to burn pyrotechnic smoke-
662 producing mixtures, at a controlled rate, and that produces audible
663 or visible effects, or audible and visible effects.
 - 664 14. A cylindrical fountain that consists of one or more tubes and that is
665 classified by the federal department of transportation as a Division
666 1.4 explosive, as defined in [49 CFR 173.50](#).
 - 667 15. A cone fountain that is classified by the federal department of
668 transportation as a Division 1.4 explosive, as defined in [49 CFR](#)
669 [173.50](#).
 - 670 16. A novelty device that spins or moves on the ground

- 671 **17. Propellants for airbags in a motor vehicle.**
- 672 (63) Family.
- 673 A single housekeeping unit, living together on the premises, comprised of either:
- 674 **(a)** Any number of individuals related by blood, adoption, foster care,
- 675 domestic partnership or marriage, or
- 676 **(b)** No more than five unrelated individuals.
- 677 (64) Farm.
- 678 All land under common ownership that is primarily devoted to agricultural use.
- 679 For the purposes of this ordinance, “primarily devoted” means that a majority of
- 680 the land is in agricultural use.
- 681 (65) Farm operator.
- 682 A person who, or a family at least one member of which, earns substantial farm
- 683 income from farm operations on the farm.
- 684 (66) Farm residence.
- 685 Any of the following structures that is located on a farm:
- 686 **(a)** A single-family residence that is occupied by any of the following:
- 687 1. A person who is both the owner and farm operator of the farm.
- 688 2. A parent or child of the owner and farm operator of the farm.
- 689 3. An individual who earns more than 50 percent of his or her gross
- 690 income from the farm.
- 691 **(b)** A migrant labor camp that is certified under [s. 103.92, Wis. Stats.](#)
- 692 (67) Governmental, institutional, religious, or nonprofit community uses.
- 693 A facility, land or premises that provides a public service and is operated by a:
- 694 **(a)** federal, state, county, city, village, town or tribal government,
- 695 **(b)** public or private utility, commission or authority,
- 696 **(c)** public or private school, university, college or school district,
- 697 **(d)** church or religious institution
- 698 **(e)** public or quasi-public agency, or
- 699 **(f)** tax-exempt organization.
- 700 (68) Gross floor area.
- 701 **(a)** The aggregate area of all horizontal levels of a building, expressed in
- 702 square feet, not including any horizontal level where the average floor
- 703 to ceiling height is less than 6 feet.
- 704 **(b)** When used as a basis of measurement for off-street parking and
- 705 loading spaces for any use, gross floor area shall be the sum of the
- 706 areas of the several floors of the buildings devoted to such use,
- 707 including all areas devoted to restrooms, storage, utilities and
- 708 circulation.
- 709 (69) Gross income.
- 710 Wisconsin Adjusted Gross Income, as defined in [s. 71.01, Wis. Stats.](#)

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

714 (71) Heavy industrial.
715 (a) A processing, manufacturing or assembly use engaged in the basic
716 processing and manufacturing of materials or products predominately
717 from extracted or raw materials, or any other processing,
718 manufacturing or assembly use where any of the following conditions
719 apply:
720 1. operations are conducted wholly or partially outdoors;
721 2. operations are potentially associated with significant nuisances such
722 as odor, noise, heat, vibration, pollution or radiation which are
723 detectable at the property line;
724 3. operations may pose a significant safety hazard (such as danger of
725 fire, toxic spills or explosion).
726 (b) Heavy industrial uses include, but are not limited to: paper, pulp or
727 paperboard producers; chemical and allied product producers
728 including poison or fertilizer producers but not including drug
729 producers; petroleum and coal product producers; permanent asphalt,
730 concrete or cement producers; tanneries; stone, clay or glass product
731 producers; primary metal producers; heavy machinery producers;
732 electrical distribution equipment producers; electrical industrial
733 apparatus producers; transportation vehicle producers; commercial
734 sanitary sewage treatment plants; power production facilities; railroad
735 switching yards; and commercial recycling facilities not involving the
736 on-site storage of salvage materials.
737 (c) Heavy industrial uses do not include agriculture, agriculture-related,
738 small-scale domestic energy generation, utility services, or light
739 industrial uses.

740 (72) Home occupation.
741 A home occupation is any activity carried on by a member of the family residing
742 on the premises, which meets all of the following conditions:
743 (a) The occupation is conducted within a dwelling and not in an
744 accessory building;
745 (b) Only members of the family residing on the premises may be
746 employed on the premises, plus a maximum of one other unrelated
747 person;
748 (c) No stock-in-trade is kept or commodities sold, other than those made
749 on the premises;
750 (d) Samples may be kept but not sold on the premises;
751 (e) No mechanical equipment is used except such as may be used for
752 purely domestic or household purposes;
753 (f) Such occupation shall not require internal or external alterations, or
754 involve construction features not customary in a dwelling;
755 (g) No more than 25 percent (25%) of the floor area of one (1) story of the

756 dwelling is devoted to the occupation;
757 **(h)** The entrance to the space devoted to the occupation is from within
758 the building;
759 **(i)** There is no evidence, other than the sign referred to in subsection (j)
760 below, that will indicate from the exterior that the building is being
761 utilized in part for any purpose other than that of a dwelling; and
762 **(j)** One (1) sign shall be permitted, which sign shall be attached to the
763 building, shall not exceed two (2) square feet in area and shall not be
764 lighted at night.

765 (73) Incidental room rental.
766 Rental or leasing of rooms within a single-family residence, provided all of the
767 following are met:

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

773 (74) Indoor commercial lodging.

- 774 **(a)** A building or premises that provides lodging to transient or tourist
775 guests, that meets at least one of the following criteria:
776 1. Provides more than eight rooms available for transient guests;
777 2. Provides accommodations for more than twenty transient or tourist
778 guests at a time; or
779 3. Is located in a building that is not on the same zoning parcel as the
780 landowner's principal residence.
781 **(b)** Indoor commercial lodging may include, but is not limited to: hotels,
782 motels, inns or resorts.
783 **(c)** Indoor commercial lodging does not include: incidental room rental,
784 transient or tourist lodging, campgrounds, rooming houses, duplexes
785 or multifamily residences.

786 (75) Indoor entertainment or assembly.

- 787 **(a)** All land uses which provide entertainment services, 10 or more days
788 per calendar year, entirely within an enclosed building. Such activities
789 often have:
790 1. operating hours which extend significantly later than other
791 commercial land uses and;
792 2. event-driven attendance of 50 or more people, who typically arrive
793 and leave the premises as a group, and may congregate outside
794 before and after events.
795 **(b)** Examples of such land uses include, but are not limited to:
796 restaurants, taverns, theaters, dance clubs, music or performance
797 venues and auditoriums.

798 (76) Indoor sales.

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

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

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

808 **(77)** Indoor storage and repair.

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

814 **(78)** Institutional residential.

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

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

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

826 **(79)** Junk.

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

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

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

833 **(82)** Land disturbing activity.

834 Any alteration or disturbance that may result in soil erosion, sedimentation or
835 change in runoff including, but not limited to, removal of ground cover, grading,
836 excavating or filling of land.

837 **(83)** Light industrial.

838 **(a)** The processing, manufacturing, compounding, assembly, packaging,

839 treatment or fabrication of materials and products, from previously
840 processed or previously manufactured materials. All operations (with
841 the exception of loading operations):
842 1. are conducted entirely within an enclosed building;
843 2. are not potentially associated with nuisances such as odor, noise,
844 heat, vibration, and radiation which are detectable at the property
845 line;
846 3. do not pose a significant safety hazard (such as danger of
847 explosion); and
848 4. include no retail sales.
849 **(b)** Light industrial uses do not include agriculture-related, limited family
850 businesses, Limited farm businesses, small workshops accessory to a
851 permitted use, or heavy industrial uses.

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

857 (85) Limited farm business.
858 An agricultural accessory use that meets all of the following criteria:
859 **(a)** Consists of a business, activity, or enterprise, whether or not
860 associated with an agricultural use, that is conducted by the owner or
861 operator of a farm,
862 **(b)** Requires no buildings, structures, or improvements other than
863 existing agricultural buildings or a farm residence
864 **(c)** Employs no more than 4 full-time equivalent employees annually, who
865 are not members of the family residing on the farm, and;
866 **(d)** Does not impair or limit the current or future agricultural use of the
867 farm or of other protected farmland.

868 (86) Livestock.
869 **(a)** Except as listed below, bovine animals, equine animals, goats,
870 poultry, sheep, swine, farm-raised deer, farm-raised game birds,
871 camelids, ratites, and farm-raised fish.
872 **(b)** For the purposes of this ordinance, the following are not considered
873 livestock:
874 1. Five or fewer equine animals on a premises in the Rural Mixed-Use
875 Districts;
876 2. Domestic fowl;
877 3. Domestic pets;
878 4. Domestic beekeeping.

879 (87) Location survey.

880 Survey information prepared by a licensed surveyor indicating the location of
881 property lines and building location distances from those property lines for the
882 specific portions of the building indicated in this ordinance.

883 (a) Such surveys need not provide all the parcel information set forth by
884 Wisconsin Administrative Code Chapter A-E 7.02 Minimum Standards
885 for Property Surveys item A-E 7.01(2), but may exclude unnecessary
886 information as permitted in A-E 7.01(2).

887 (b) All location surveys must comply with the accuracy standard required
888 by A-E 7.06 Measurements.

889 (88) Long-term care facility.

890 Any of the following:

891 (a) A nursing home, as defined in [s. 50.01 \(3\), Wis. Stats.](#)

892 (b) A community-based residential facility, as defined in [s. 50.01 \(1g\),](#)
893 [Wis. Stats.](#)

894 (c) A facility, as defined in [s. 647.01 \(4\), Wis. Stats.](#)

895 (d) A swing bed in an acute care facility or extended care facility, as
896 specified under 42 USC 1395tt.

897 (e) A hospice, as defined in [s. 50.90 \(1\) \(c\), Wis. Stats.](#)

898 (f) An adult family home, as defined in [s. 50.01 \(1\), Wis. Stats.](#)

899 (g) A residential care apartment complex, as defined in [s. 50.01 \(6d\),](#)
900 [Wis. Stats.](#)

901 (89) Lot.

902 A parcel of land occupied or intended to be occupied by one principal building
903 and its accessory buildings or uses, except for commercial zoning districts. A
904 parcel or tract of land that is defined by metes and bounds, certified survey,
905 recorded subdivision plat, or other means of description recorded with the
906 Register of Deeds and legally separated from other lots by such description. No
907 land included in any public road, street, highway or railroad right-of-way shall be
908 included when computing lot area. Also referred to as a "lot of record."

909 (90) Lot depth.

910 The lot depth is the mean horizontal distance between the front lot line and the
911 rear lot line measured within the lot boundaries.

912 (91) Lot width.

913 (a) The distance between the side lot lines measured along a line that is
914 parallel to the front lot line at the required building setback line.

915 (b) On triangular or gored lots, the lot width shall be measured along a
916 line that is parallel to the chord of the arc of the front lot line at the
917 required building setback line. The lot width at this point shall not be
918 less than that required by the zoning district in which the lot is located.

919 (92) Lot line, front.

920 The lot line adjoining, and parallel to, the right-of-way that provides primary
921 vehicular access to the lot.

922 (93) Lot line, rear.
923 (a) The rear lot line shall mean that lot line which is opposite and most
924 distant from the front lot line.
925 (b) In the case of an irregular, triangular or gore shaped lot, a line ten (10)
926 feet in length entirely within the lot, parallel to and most distant from
927 the front lot line shall be considered to be the rear lot line for the
928 purpose of determining depth of rear yard.
929 (c) In cases where none of these definitions is applicable, the zoning
930 administrator shall designate the rear lot line.

931 (94) Lot line, side.
932 Any lot line other than a front or rear lot line

933 (95) Manufactured home.
934 (a) A residential dwelling for one family as is defined in [s. 101.91\(2\), Wis.](#)
935 [Stats.](#), that:
936 1. Is fabricated in an off-site facility for installation or assembly at the
937 building site,
938 2. bears a HUD label or insignia certifying that it is built in compliance
939 with the Federal Manufactured Housing Construction Standards
940 under 42 U.S.C. ss. 5401 to 5425, and
941 3. was built after June 14, 1976.
942 (b) A manufactured home is considered a single-family dwelling for the
943 purposes of this chapter.

944 (96) Manufactured home communities.
945 (a) Any plot or plots of ground upon which two (2) or more manufactured
946 dwellings, occupied for dwelling or sleeping purposes, are located.
947 (b) Exceptions. Manufactured home communities do not include
948 manufactured homes used for any of the following uses, with an
949 approved conditional use permit:
950 1. Accessory dwelling units
951 2. Secondary farm residences.

952 (97) Marina.
953 (a) A commercial shoreside facility that provides accommodation and
954 service for multiple boats.
955 (b) Marinas may include, but are not limited to, docks; boat slips; inside or
956 outside storage of boats, boat trailers, storage cradles and other
957 related marina items; sale of boats, boating equipment, fuel and
958 supplies.
959 (c) Marinas do not include noncommercial boathouses, docks, or piers
960 intended for watercraft owned by the landowner and accessory to a
961 permitted principal use.

962 (98) Mineral extraction.
963 (a) Quarrying, excavation or removal of sand, gravel, limestone, earth,

964 soil or other mineral resources.
965 **(b)** Mineral extraction does not include:
966 1. Site preparation for residential or commercial plats,
967 2. Construction or landscaping projects,
968 3. Soil conservation practices
969 4. Stream, lake or shoreline protection projects
970 5. Agricultural land leveling projects conducted in accordance with NR
971 151, Subchapter II, Wisconsin Administrative Code, provided
972 materials are not removed from the site.
973 6. Composting, storage or processing of materials that meet the
974 definition of an agriculture-related use.
975 7. Solid waste disposal operations.

976 (99) Mineral extraction accessory uses.
977 **(a)** When conducted entirely within the boundaries of an approved
978 Conditional Use Permit for a mineral extraction site, the following are
979 considered permitted accessory uses:
980 1. washing, crushing, screening and other processing of extracted
981 mineral materials,
982 2. stockpiling and processing concrete and asphalt pavements for the
983 purpose of recycling for reuse in asphalt or concrete mixtures or
984 base course products
985 3. importing and dumping of clean fill materials
986 4. the erection of structures and the installation or storage, or both, of
987 the necessary machinery and equipment used in the mineral
988 extraction operation
989 5. soil blending for production of bioretention products
990 6. activities associated with an approved erosion control or stormwater
991 management plan under Chapter 14, Dane County Code.
992 7. activities associated with site reclamation under an approved
993 reclamation plan under Chapter 74, Dane County Code.
994 **(b)** At their own initiative or at the applicant's request, town boards and
995 the committee may further limit or prohibit any of the above accessory
996 uses on a particular mineral extraction site, as part of the conditions
997 on an individual Conditional Use Permit.

998 (100) Mini-warehouse. (See Personal storage facility.)

999 (101) Mobile home.
1000 **(a)** A transportable factory built structure as is defined in [s. 101.91\(10\)](#),
1001 [Wis. Stats.](#), designed for long-term occupancy by one family and
1002 either:
1003 1. was built prior to June 15, 1976, or
1004 2. does not comply with the Federal Manufactured Housing
1005 Construction and Safety Standards Act.
1006 **(b)** A mobile home is not considered to be a type of single-family dwelling
1007 for the purposes of this chapter.

- 1008 (102) Motel. (See Indoor commercial lodging.)
- 1009 (103) Motor vehicle.
 1010 Cars, trucks, buses, semi-tractors and semi-trailers which may be used to
 1011 transport goods, materials, freight or passengers
- 1012 (104) Multiple family dwelling.
 1013 A dwelling designed or intended to be occupied by more than two families.
- 1014 (105) Native wildlife rehabilitator.
 1015 A facility operated under a rehabilitator license approved by the Wisconsin
 1016 Department of Natural Resources, the U.S. Fish and Wildlife Service or the U.S.
 1017 Department of the Interior under [s.169.24, Wis. Stats.](#) and [Chapter NR 19,](#)
 1018 [Subchapter II, Wisconsin Administrative Code.](#)
- 1019 (106) Nursing home. (See also Institutional residential.)
 1020 **(a)** An institutional residential facility for the aged, chronically ill or
 1021 incurable person in which three (3) or more persons not of the
 1022 immediate family are received, kept or provided with food and shelter
 1023 or care for compensation.
 1024 **(b)** Nursing homes do not include any of the following:
 1025 1. A convent or facility owned or operated exclusively by and for
 1026 members of a religious order that provides reception and care or
 1027 treatment of an individual.
 1028 2. A hospice, as defined in [s. 50.90 \(1\), Wis. Stats.](#), that directly
 1029 provides inpatient care.
 1030 3. A residential care apartment complex
 1031 4. Hospitals, clinics or similar institutions devoted primarily to the
 1032 diagnosis and treatment of the sick or injured.
- 1033 (107) Nonconforming parcel.
 1034 A lot or zoning parcel lawfully created prior to the time this ordinance or relevant
 1035 amendments took affect, and which does not conform to current area or lot width
 1036 standards of this ordinance. Also known as a “substandard parcel.”
- 1037 (108) Nonconforming structure.
 1038 A structure lawfully erected prior to the time this ordinance or relevant
 1039 amendments took effect, and which does not conform to the setback, side yard,
 1040 rear yard, lot coverage, height or other dimensional requirements of this
 1041 ordinance.
- 1042 (109) Nonconforming use.
 1043 A lawfully created use that existed prior to the time this ordinance or relevant
 1044 amendments took effect, and which does not conform to the current standards of
 1045 this ordinance.
- 1046 (110) Notice document.

1047 A recorded instrument to notify future landowners and others of unusual features,
1048 policies, regulations or other characteristics that may affect future development
1049 potential or other speculative use of a specific property. All notice document
1050 instruments must meet the minimum recording standards of the Dane County
1051 Register of Deeds.

1052 (111) Occupiable floor area.
1053 (a) When used as a basis of measurement for off-street parking spaces,
1054 the sum of the areas of the several floors of the buildings designed or
1055 intended to be used for service to the public as customers, patrons,
1056 clients, patients or members.
1057 (b) Occupiable floor area includes areas occupied by fixtures and
1058 equipment used for the sale of merchandise, or in the case of office
1059 uses those areas occupied or used by employees.
1060 (c) Occupiable floor area does not include areas used principally for non-
1061 public purposes such as restrooms, locker rooms, storage, utilities
1062 and areas behind counters.

1063 (112) Office.
1064 An exclusive indoor land use whose primary function is the handling of
1065 information or administrative services. Such uses do not typically provide
1066 services directly to customers on a walk-in or on-appointment basis.

1067 (113) Outdoor assembly event.
1068 (a) Any organized activity, not including agricultural entertainment events,
1069 of more than one hundred (100) persons, occurring 10 or more days
1070 per calendar year, that occurs entirely or partially outdoors.
1071 (b) Examples of such land uses include, but are not limited to: outdoor
1072 concerts or performances, fairs, festivals, weddings, parties,
1073 banquets, circuses, sporting events, races and amusement parks.

1074 (114) Outdoor entertainment.
1075 (a) All land uses which provide, on a permanent or ongoing basis,
1076 entertainment services partially or wholly outside of an enclosed
1077 building. Such activities often have the potential to be associated with
1078 nuisances related to noise, lighting, dust, trash and late operating
1079 hours.
1080 (b) Examples of such land uses include, but are not limited to: shooting
1081 ranges, outdoor swimming pools, driving ranges, miniature golf
1082 facilities, volleyball courts, amusement parks, drive-in theaters, go-cart
1083 tracks and racetracks.
1084

1085 (115) Outdoor passive recreation.
1086 Outdoor activities that generally do not require a developed site, and have
1087 minimal impact on natural resources and surrounding properties. Such land uses
1088 may include, but are not limited to: arboretums, natural areas, wildlife areas,

1089 hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas
1090 not associated with any particular active recreational land use, picnic areas,
1091 picnic shelters, gardens, fishing areas, and similar land uses.

1092 (116) Outdoor sales, display, or repair.

1093 (a) Includes uses that conduct or display merchandise outside of an
1094 enclosed building that is for sale or rent and land uses that conduct
1095 maintenance or repairs on merchandise or equipment outside of an
1096 enclosed building.

1097 (b) Examples of such land uses include, but are not limited to, vehicle
1098 sales, vehicle rental, manufactured and manufactured home sales,
1099 monument sales, and lawn mower repair.

1100 (c) Such land uses do not include uses where the outdoor sales or
1101 display area is less than 15 percent of the gross floor area of any
1102 principal building where sales are also conducted, which are instead
1103 classified in the "indoor sales" land use category; motor vehicle repair
1104 or maintenance, which are instead classified in the "Drive-in
1105 establishment" category; drive-in theaters, which are instead classified
1106 in the "outdoor commercial entertainment" category; or the storage or
1107 display of inoperative vehicles or materials typically associated with a
1108 junkyard or salvage yard.

1109 (117) Outdoor storage.

1110 (a) Any activity located primarily outdoors involving the receiving, holding
1111 and shipping of materials for a single business.

1112 (b) Outdoor storage does not include loading and parking areas, storage
1113 of materials typically associated with a salvage or junkyard, salvage
1114 recycling centers or solid waste recycling centers.

1115 (c) Outdoor storage of materials is not permitted within any building
1116 setback area.

1117 (118) Person.

1118 Except where otherwise indicated by the context, the word person shall include
1119 the plural, or a company, firm, corporation or partnership.

1120 (119) Personal and professional services.

1121 (a) All exclusively indoor land uses whose primary function is the
1122 provision of services directly to an individual on a walk-in or on-
1123 appointment basis.

1124 (b) Examples of such land uses include, but are not limited to:
1125 professional services, insurance services, realty offices, financial
1126 services, repair and maintenance of small items conducted indoors;
1127 medical offices and clinics, veterinary clinics, barbershops, beauty
1128 shops, and related land uses.

1129 (c) Personal and professional services do not include adult entertainment
1130 or vehicle repair and maintenance services.

- 1131 (120) Personal storage facility.
 1132 A facility that provides indoor storage of personal items entirely within partitioned
 1133 buildings having an individual access to each partitioned area. Also known as
 1134 "mini-warehouses."
- 1135 (121) Planned unit development.
 1136 (d) A form of land development, conceived and implemented as a
 1137 cohesive, unified project and permitted only after following the
 1138 procedures for creating a planned unit development district as
 1139 provided in [s. 10.291](#) of this ordinance.
 1140 (e) Within a planned unit development, regulations on permitted or
 1141 conditional land uses, setbacks, lot or zoning parcel sizes or other
 1142 development standards may vary to suit the proposed use and the
 1143 site, as determined in the General Development Plan and Specific
 1144 Improvement Plan approved by the County Board specifically for that
 1145 project.
- 1146 (122) Principal building.
 1147 A building within which a majority of the principal use of a premises or lot is
 1148 conducted.
- 1149 (123) Principal use.
 1150 The primary use of a premises.
- 1151 (124) Property maintenance shed.
 1152 A small utility structure, no larger than 600 square feet, used exclusively for
 1153 storage of materials or equipment in conjunction with the maintenance of the
 1154 property. Property maintenance sheds may be allowed on properties without a
 1155 principal residence. Property maintenance sheds have no plumbing fixtures and
 1156 cannot be used for living or sleeping purposes.
- 1157 (125) Racetrack.
 1158 An outdoor entertainment activity consisting of any location hosting a gathering of
 1159 more than three people for the purpose of repetitive motor vehicular activity over
 1160 a fixed course or area, which persists for periods in excess of 30 minutes in any
 1161 one 24 hour period.
- 1162 (126) Recorded.
 1163 Recorded with the Dane County Register of Deeds.
- 1164 (127) Recreational equipment.
 1165 Boats, canoes, watercraft, snowmobiles or camping and luggage carrying trailers
 1166 intended to be towed by an automobile or truck or a camper unit to be mounted
 1167 on a truck. Any motor driven camper or motor home shall be considered as
 1168 recreational equipment
- 1169 (128) Recreational racetrack.

- 1170 A defined or fixed course for the driving of a motorcycle, automobile, ATV,
1171 snowmobile, go-cart, or any other similar motorized craft used for personal use.
- 1172 (129) Refuse. (See also Solid waste.)
1173 Combustible and noncombustible rubbish including, but not limited to, paper,
1174 wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes
1175 and lumber, concrete and other debris resulting from the construction or
1176 demolition of structures.
- 1177 (130) Rendering plant.
1178 A plant for the reduction of dead animals or slaughtered animals not suitable for
1179 human consumption, to by-products such as hide, skin, grease, bones, glue and
1180 soap, and for the storage of such by-products.
- 1181 (131) Renewable energy.
1182 Electricity, heat, steam, gas or other power derived from any of the following:
1183 (a) A fuel cell that uses, as determined by the Wisconsin Public Service
1184 Commission under [s.196.378, Wis. Stats.](#), a renewable fuel.
1185 (b) Tidal or wave action.
1186 (c) Solar thermal electric or photovoltaic energy.
1187 (d) Wind power.
1188 (e) Geothermal technology.
1189 (f) Biomass.
1190 (g) Synthetic gas created by the plasma gasification of waste.
1191 (h) Densified fuel pellets made from waste material that does not include
1192 garbage, as defined in [s. 289.01\(9\), Wis. Stats.](#), and that contains no
1193 more than 30 percent fixed carbon.
1194 (i) Fuel produced by pyrolysis of organic or waste material.
- 1195 (132) Roadside stand.
1196 A structure having a ground area of not over 200 square feet, not permanent by
1197 being attached to the ground, readily removable in its entirety and to be used
1198 solely for the sale of farm and garden products produced on the premises. Such
1199 structures may be located within the setback lines of roads but shall not interfere
1200 with visibility along the highway.
- 1201 (133) Rooming house.
1202 A building or premises, with a common, shared kitchen area, that rents three or
1203 more rooms:
1204 (a) For definite, extended periods of time, typically 180 days or more,
1205 (b) To no more than twenty unrelated individuals, and
1206 (c) Is not open to transients, tourists or to the general public.
- 1207 (134) School (See also Governmental, institutional, religious or nonprofit
1208 community use).
1209 (a) Any private, public or religious educational institution.
1210 (b) Schools do not include either truck driving schools or

- 1211 construction equipment operator schools, unless expressly
1212 stated otherwise in this chapter.
- 1213 (135) Salvage yard.
1214 An area where junk, waste or scrap materials are bought, sold, exchanged,
1215 stored, recycled, baled, packed, disassembled or handled.
1216 (a)For the purposes of this definition, waste or scrap materials may
1217 include, but are not limited to: garbage, waste, refuse, trash, any used
1218 motor vehicle upon which no current license plate is displayed, any
1219 inoperable motor vehicle, any used tire or used motor vehicle part, and
1220 any scrap material such as metal, paper, rags, cans or bottles
1221 (b)A salvage or junk yard may include a motor vehicle wrecking or
1222 dismantling yard
1223 (c)A salvage or junk yard does not include a solid waste recycling center,
1224 composting facilities or processing operations meeting the definition of an
1225 agriculture-related use.
- 1226 (136) Sanitary fixture.
1227 Any plumbing fixture that requires discharge to a private onsite wastewater
1228 treatment system or public sanitary sewer system pursuant to state or county
1229 plumbing code.
- 1230 (137) Setback.
1231 The minimum horizontal distance from the front line or from the center of the
1232 highway, measured parallel to the highway or front lot line, to the front of the
1233 building.
- 1234 (138) Single family residential.
1235 Land use characterized by individual, standalone dwellings designed for and
1236 occupied for a period of more than 30 days, exclusively by one family.
- 1237 (139) Slaughterhouse.
1238 Any building or premises used commercially for the killing or dressing of cattle,
1239 sheep, swine, goats or horses, for human consumption and the storage, freezing
1240 and curing of meat and the preparation of meat products.
- 1241 (140) Small-scale farming.
1242 Any agricultural use operated for recreational, hobby or supplementary income
1243 purposes on a site with a non-agricultural principal use. Animal use is limited to
1244 one animal unit per acre.
- 1245 (141) Solid waste.
1246 Garbage, refuse and all other discarded or salvageable solid materials, including
1247 solid waste materials resulting from industrial, commercial, operations and other
1248 domestic use and public service activities. Solid waste does not include solids or
1249 dissolved material in waste water effluents or other common water pollutants.
- 1250 (142) Solid waste disposal operation.

- 1251 A site or facility for the collection, storage, utilization, processing or final disposal
1252 of solid waste.
- 1253 **(a)** Solid waste disposal operations include, but are not limited to:
1254 sanitary landfills, land disposal, incinerator, transfer, air curtain
1255 destruction, composting reduction, shredding, compression,
1256 processing and salvage.
- 1257 **(b)** Solid waste disposal operations do not include: agriculture-related
1258 uses or in-house re-use of the imperfect finished products to make a
1259 merchantable finished product.
- 1260 (143) Solid waste recycling center. (See also Salvage yard.)
1261 A solid waste disposal operation at which temporary storage and processes such
1262 as baling of paper, grinding of glass and flattening of cans, are conducted on
1263 segregated solid waste to facilitate reuse of the segregated solid waste as raw
1264 material.
- 1265 (144) Stormwater runoff.
1266 Waters derived from rains falling, snowmelt or icemelt occurring within the
1267 drainage area, flowing over the surface of the ground and collected in channels,
1268 watercourses or conduits.
- 1269 (145) Story.
1270 The vertical distance of a building included between the surface of any floor,
1271 except the basement, and the floor next above it. For top stories, the story is the
1272 space between the floor and the ceiling.
- 1273 (146) Story, half.
1274 A story under a gable or hip or mansard roof, where the wall plates of which on at
1275 least two (2) sides are not more than two (2) feet above the floor of that story for
1276 at least 70% of the wall line.
- 1277 (147) Street.
1278 A public or private thoroughfare, not including driveways, which affords primary
1279 means of access to abutting property.
- 1280 (148) Street line.
1281 The dividing line between the street and the lot.
- 1282 (149) Structure.
1283 **(a)** Any human-made object with form, shape and utility, either
1284 permanently or temporarily attached to, placed upon or set into the
1285 ground, stream bed or lake bed.
1286 **(b)** Structures include, but are not limited to, any building, dwelling,
1287 manufactured building, manufactured home, mobile home, house
1288 trailer, recreational vehicle, boathouse, boat shelter, advertising sign,
1289 deck, patios, driveways, fences, retaining walls, or other
1290 improvements or any part of such structure.

- 1291 (c) A structure includes any permanent or temporary attachments,
1292 including but not limited to awnings, extensions, porches or decks.
- 1293 (150) Structural alteration.
1294 Any change in the dimensions of a structure or in the interior layout or floor plan
1295 of a structure.
- 1296 (151) Substantial farm income.
1297 A minimum of \$10,400 gross farm income/year for the past three (3) years
1298 currently derived from the farming operation on the farm where the residential
1299 use is proposed. Rental income may not be used to meet the income
1300 requirement.
- 1301 (152) Tax parcel.
1302 A parcel of land identified by a Parcel Identification Number assigned by the
1303 Dane County Property Listing Division for the purpose of assessing real property
1304 taxes. The boundaries of a tax parcel may or may not coincide with a lot, lot of
1305 record or zoning parcel.
- 1306 (153) TDR agricultural conservation easement.
1307 (a) A holder's non-possessory interest in real property imposing any
1308 limitation or affirmative obligation, the purpose of which may include
1309 any or all of the following:
1310 1. retaining or protecting natural, scenic or open space values of real
1311 property;
1312 2. assuring the availability of real property for agricultural, forest,
1313 recreational or open space use;
1314 3. protecting natural resources;
1315 4. maintaining or enhancing air or water quality;
1316 5. preserving a burial site, as defined in [s.157.70\(1\)\(b\), Wis. Stats.](#); or,
1317 6. preserving the historical, architectural, archaeological or cultural
1318 aspects of real property.
1319 (b) TDR agricultural conservation easements need not include any
1320 requirements for public access or restrictions on agricultural or
1321 forestry practices.
- 1322 (154) Temporary batch asphalt or concrete production.
1323 Production of asphalt or concrete, using portable equipment, for a period not to
1324 exceed six months per calendar year and associated with time-limited, specific
1325 projects identified by project number.
- 1326 (155) Temporary or portable building.
1327 (a) A building or structure that is not attached to the ground by anchors,
1328 bolts, footings, foundation piers, pilings, posts or other means of
1329 attaching permanently to the ground.
1330 (b) Lawn and yard buildings not attached, anchored or affixed to the
1331 ground shall not exceed 32 square feet of floor area on a lot in a

1332 residential district.

1333 (156) Temporary outdoor display and sales.
1334 Outdoor sales events limited to two (2) events per year. For purposes of this
1335 paragraph, a single event is one which is held on consecutive days of not more
1336 than ten (10) days in duration.

1337 (157) Topography.
1338 The configuration of the ground surface and relations among human-made and
1339 natural features that may determine ground slope and the direction of runoff flow.

1340 (158) Transfer of development rights (TDR).
1341 (a) The conveyance of development rights by TDR agricultural
1342 conservation easement from one parcel of land to another and the
1343 recording of that conveyance with the Dane County Register of Deeds
1344 and other land records of Dane County.
1345 (b) Any individual transfer of development rights transaction may, at the
1346 discretion of the parties involved, also include the conveyance of
1347 additional rights not enumerated in this ordinance.

1348 (159) Transient or tourist.
1349 (a) A person who travels to a location away from his or her permanent or
1350 legal address for a short period of time, not to exceed thirty days, for
1351 vacation, pleasure, recreation, culture, business or employment.
1352 (b) For the purposes of this ordinance, transients or tourists do not
1353 include:
1354 1. Nonpaying guests of the family occupying a dwelling unit;
1355 2. Patients, clients or residents of permitted indoor institutional,
1356 institutional residential, or community living arrangement land uses ;
1357 3. Employees who receive room and/or board as part of their salary or
1358 compensation.

1359 (160) Transient or tourist lodging.
1360 (a) A residence or accessory dwelling unit that rents more than two, but
1361 not more than eight, rooms to transient guests or tourists, where all of
1362 the following apply:
1363 1. Buildings housing rental rooms are either within, or on the same
1364 zoning parcel as, the landowner's principal residence.
1365 2. Rooms are rented to no more than a total of 20 individuals who are
1366 not members of the landowner's family.
1367 3. Length of stay does not exceed thirty (30) consecutive days for each
1368 registered guest.
1369 4. Rooms do not include their own kitchen facilities.
1370 (b) Transient lodging houses may include, but are not limited to: bed and
1371 breakfasts, hostels and recreational cabins.
1372 (c) Transient lodging does not include: incidental room rental,
1373 campgrounds, duplexes, multifamily housing, institutional residential,

- 1374 indoor institutional, community living arrangements, rooming houses
1375 or indoor commercial lodging.
- 1376 (161) Truck terminal.
1377 Buildings or land which is used for the storage or distribution of freight or goods
1378 by a common carrier.
- 1379 (162) Urban service area.
1380 Areas identified and mapped by the Capitol Area Regional Planning Commission,
1381 or successor agency designated by the State of Wisconsin in accordance with
1382 the federal Clean Water Act, that are planned for urban development and
1383 capable of being provided with a full range of services.
- 1384 (163) Use, conditional.
1385 A land use, which because of the potential for unusual or site-specific impacts,
1386 may be lawfully established only with an approved conditional use permit and
1387 subject to specific limitations or conditions.
- 1388 (164) Use, permitted.
1389 A land use which may be lawfully established and that conforms with all
1390 requirements and standards of this ordinance and the zoning district in which the
1391 use is located.
- 1392 (165) Use, principal.
1393 The main or primary use of land or buildings, as distinguished from a subordinate
1394 or accessory use.
- 1395 (166) Utility services.
1396 Transmission, distribution and small-scale renewable generation facilities both
1397 above and below ground which carry electricity, liquid or gaseous fuel, steam,
1398 water, data, heat, sewage, telephone messages, television or radio signals, or
1399 other similar services.
- 1400 **(a) Utility services include, but are not limited to:**
1401 **1. Services necessary to support development within the immediate**
1402 **vicinity, and that involve only minor structures, as necessary to**
1403 **operate transmission and distribution lines such as substations,**
1404 **transformer installations, repeater stations, and pumping stations.**
1405 **2. Renewable energy systems, such as solar, wind, geothermal or**
1406 **other systems intended primarily for generation of energy, fuel or**
1407 **heat consumed on the premises. Incidental or occasional provision**
1408 **of energy to a utility company or electric grid is included within this**
1409 **definition.**
1410 **3. Public sewer systems and private onsite wastewater treatment**
1411 **systems.**
1412 **4. Collocation of an antenna array on an existing communication tower,**
1413 **provided there is no substantial modification of the tower.**
1414 **(b) Utility services do not include offices, garages, manually operated**

- 1415 exchanges, terminal distribution facilities, new or substantially
 1416 modified communication towers, electric generating facilities, heat
 1417 generating plants or sewage disposal plants.
- 1418 (167) Variance.
 1419 Permission, as granted by the Board of Adjustments under [s. 10.101\(10\)](#), to
 1420 depart from the dimensional standards of this ordinance.
- 1421 (168) Vehicle, farm or off-road.
 1422 An operational motor vehicle that is used only on private property and is not
 1423 licensed for use on a public right-of-way.
- 1424 (169) Vehicle repair or maintenance service.
 1425 Includes all principal land uses that perform repair, maintenance, or painting
 1426 services to motorized vehicles.
- 1427 (170) Veterinary clinic.
 1428 An establishment for the medical or surgical treatment of animals. Boarding and
 1429 care is limited only to animals undergoing active treatment or observation.
 1430 **(a)** Veterinary clinics include, but are not limited to: animal hospitals and
 1431 clinics for the treatment of domestic pets or livestock and wildlife
 1432 rehabilitation centers.
 1433 **(b)** Veterinary clinics do not include: animal boarding facilities, breeding
 1434 operations, colony houses, domestic fowl or beekeeping, small-scale
 1435 farming or agricultural livestock operations.
- 1436 (171) Warehousing and distribution facilities.
 1437 Any land use oriented to the short-term indoor storage, shipment, and possible
 1438 repackaging of commercial materials of a single user.
- 1439 (172) Vision clearance triangle.
 1440 The area in each quadrant of an intersection which is bounded by the right-of-
 1441 way lines of the highways or streets and a vision clearance setback line
 1442 connecting points on each right-of-way line which are located a distance back
 1443 from the intersection equal to the setback required on the road or highway.
- 1444 (173) Yard.
 1445 An open space on a zoning parcel which is unoccupied or unobstructed from its
 1446 lowest level to the sky, except as otherwise provided herein. For the purpose of
 1447 this ordinance, a yard extends along a zoning parcel line to a depth or width
 1448 specified in the yard regulations.
- 1449 (174) Yard, front.
 1450 A yard paralleling the full length of the front zoning parcel line between the side
 1451 lot lines.
- 1452 (175) Yard, rear.

1453 A rear yard is a yard paralleling the full length of the rear zoning parcel line
1454 between the side lot lines.

1455 (176) Yard, side.
1456 A yard paralleling along a side zoning parcel line from the front yard to the rear
1457 yard.

1458 (177) Zoning lot.
1459 (a) A parcel of land under single ownership and in a single zoning district,
1460 occupied or intended to be occupied by:
1461 1. One principal building or principal use;
1462 2. Buildings and uses customarily accessory or incidental to the
1463 principal use; and
1464 3. Open spaces, yards or setback areas normally associated with the
1465 principal use or as required by this ordinance.
1466 (b) The boundaries of a zoning parcel may or may not coincide with a lot
1467 of record or tax parcel.

1468 10.100. Standards and Requirements for All Land Uses

1469 10.101. Administration, Enforcement and Penalties

1470 (1) Zoning Permits
1471 (a) Zoning permits required. Unless specifically exempted below, the
1472 following activities may not occur until the zoning administrator, or his
1473 or her designee, issues a zoning permit specific to the use and
1474 premises:
1475 1. Erection or construction of any new building.
1476 2. The addition to, or structural alteration or expansion, horizontally or
1477 vertically of, any existing building.
1478 3. Change of land use for any building, structure or premises
1479 4. The erection, replacement, or reconstruction of a sign.
1480 5. Erection of covered enclosures for domestic fowl. Notwithstanding
1481 the exemption set forth in section 10.101(1)(b), zoning permits shall
1482 be required prior to the erection, placement or construction of
1483 covered enclosures for domestic fowl, regardless of size.
1484 (b) Exceptions. Zoning Permits under this chapter are not required for
1485 accessory buildings equal to or less than 120 square feet on non-
1486 permanent foundations, provided they meet all setback, height, and
1487 lot coverage requirements.
1488 (c) Unresolved violations or arrears. The zoning administrator shall not
1489 issue a zoning permit for any property upon which there are:
1490 1. Unresolved violations of this ordinance, or Chapters 11, 14, 17, 74,
1491 75 or 46, Dane County Code, or
1492 2. Delinquent real estate taxes.
1493 (d) Application materials. An application for a zoning permit shall be filed
1494 with the zoning administrator on a form prescribed by the zoning

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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

1540 for the purpose of soil evaluation or testing shall not be considered
1541 the start of construction.
1542 **(g) Expiration and Voiding of Permits**
1543 1. Any permit obtained through material misrepresentation shall be null
1544 and void.
1545 2. Zoning permits shall expire one year from the date of issuance if
1546 construction has not started or two years from the date of
1547 construction.
1548 3. Any project which has an expired or revoked permit shall not
1549 continue unless a new zoning permit is issued.

1550 **(2) Location Surveys**

1551 **(a) Location survey required.** Unless waived by the zoning administrator
1552 under (c) below, applicants must submit a location survey for any
1553 development located within ten (10) feet of any of the following:
1554 1. Road setback lines under [s. 10.102\(9\)](#).
1555 1. Side and rear yard setback lines required in the applicable zoning
1556 district
1557 2. Navigable water setback, wetland setback or vegetative buffer lines
1558 required under [Chapter 11, Dane County Code](#).
1559 **(b) Timing of survey.** The survey shall be done at the time when
1560 foundations or basement walls are completed. Such survey shall be
1561 submitted to the zoning office prior to the continuation of work on the
1562 project.
1563 **(c) Waivers from location survey requirements.** At his or her discretion,
1564 the zoning administrator may waive the requirement for a location
1565 survey for accessory buildings under 120 square feet in gross floor
1566 area not located on a foundation, concrete slab, pilings, or footings. If
1567 a location survey is waived, the owner shall demonstrate, at the
1568 zoning administrator's request, compliance with all setback
1569 requirements.

1570 **(3) Inspection**

1571 **(a)** The zoning administrator or his or her designee may inspect premises
1572 of existing or proposed land uses regulated under this chapter to
1573 ascertain compliance with this ordinance or to investigate an alleged
1574 violation.
1575 **(b)** Application for any approvals from the Zoning Division constitutes the
1576 landowner's consent to allow zoning staff on site, before a certificate
1577 of compliance is issued, for the purposes of conducting inspections
1578 under this ordinance.
1579 **(c)** Zoning staff will abide by any applicable workplace safety rules or
1580 standards for the site.
1581 **(d)** Upon completion of a permitted project, the owner or their agent must
1582 notify the zoning division and request an inspection. The owner or his
1583 or her agent shall have all lot corners visibly staked prior to requesting
1584 an inspection. If the zoning administrator is unable to accurately verify

1585 the location of a building on its lot, he or she may post a stop work
1586 order where appropriate and require that a survey map be prepared
1587 by a registered land surveyor that will show the location of the building
1588 on its lot before allowing construction to continue or issuing of a
1589 certificate of compliance.

1590 (4) Violations and Penalties

1591 **(a)** Continuing violations.

- 1592 1. Each day a non-permitted structure, building, addition, alteration or
1593 activity or any other violation of this ordinance exists shall constitute
1594 a separate offense.
1595 2. A non-permitted structure, building, addition, alteration or activity is
1596 one which requires the issuance of a permit under this ordinance but
1597 which permit has not been issued by the zoning administrator.

1598 **(b)** Stop work order.

- 1599 1. Whenever the zoning administrator, or designee, finds that any
1600 development activity does not comply with the provisions of this
1601 ordinance or Chapters 11, 17 or 75, Dane County Code, the zoning
1602 administrator or designee shall post a stop work order in a
1603 conspicuous place on the premises. Once a stop work order is
1604 issued, all development activities on the premises must cease until
1605 all construction is in compliance.
1606 2. The stop work order card shall provide the following information:
1607 date of issuance, town and section number, reason for posting, a
1608 description of rights to appeal to the Board of Adjustment under [s.](#)
1609 [10.101\(9\)](#) and the signature of the inspector posting the card.
1610 3. It shall be a violation of this ordinance for anyone to remove a stop
1611 work-order card from the premises without specific authorization
1612 from the zoning administrator or designee.

1613 **(c)** Citation authority.

1614 The zoning administrator and any of his or her designees may enforce
1615 violations of this chapter, [Chapter 11](#), [Chapter 17](#), [Chapter 75](#), and
1616 [Chapter 78](#), Dane County Code by citation as described in [Chapter 2](#),
1617 [Dane County Code](#) and [s. 66.0113, Wis. Stats.](#)

1618 **(d)** Forfeitures.

1619 Any person or persons, firm, company or corporation, owner, occupant or
1620 other user of the premises who violates, disobeys, omits, neglects or
1621 refuses to comply with or resists the enforcement of any of the provisions
1622 of this ordinance shall be subject to a forfeiture as described in [s. 2.06](#),
1623 [Dane County Code](#).

1624 **(e)** Court injunction.

1625 Compliance with this ordinance may be enforced by injunctive order at
1626 suit of the county or occupant of real estate within 300 feet of the subject
1627 property. It shall not be necessary to prosecute for forfeiture before
1628 resorting to injunctive proceedings.

1629 **(f)** Jail.

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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.

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(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.

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(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:

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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.

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(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

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use of land and buildings, and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. Certain uses, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. With appropriate limitations on siting, development and operation, such uses may be compatible with other uses in a particular zoning district. Such uses are classified as conditional uses and are subject to the following provisions.

- (b)** Application Requirements. An application for a conditional use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. Only complete applications will be accepted. The application shall be accompanied by such plans and other information as required by this section, by requirements for particular uses or as prescribed by the zoning administrator, and shall include, at a minimum, the following:
1. Statement. The applicant shall provide a written statement and adequate evidence demonstrating that the proposed conditional use conforms to the standards for approval described in s. 10.101(7)(d), and to any additional standards required in the applicable zoning district.
 2. Site plan. All applications for a conditional use permit must be accompanied by a site plan, meeting all the standards described in s. 10.101(6).
 3. Operational plan. All applications for a conditional use permit must be accompanied by an operational plan that describes, at a detail acceptable to the Zoning Administrator, the following characteristics of the operation, as applicable:
 - a. Hours of operation.
 - b. Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
 - c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
 - d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
 - e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.
 - f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

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- 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.
- 4. 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.
 - 5. 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) Approval 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. Zoning Committee Action.
 - a. The zoning committee is authorized by s. [59.69\(2\)\(bm\)](#), Wis. Stats. to grant conditional use permits.

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- b. The zoning committee, after a public hearing, shall, within a reasonable time, grant, grant with conditions or deny any application for conditional use.
 - c. The zoning committee shall not take action on the application for conditional use until it receives action from the town board or the time period for action by the town board described in s. 10.101(7)(c)3. has expired.
 - i. If the town board denies the conditional use permit within the timeframes described in s. 10.101(7)(c)3 , the zoning committee need take no further action.
 - ii. The zoning committee may approve or deny a conditional use permit without town action if the town board fails to act within the time period set forth in s. 10.101(7)(c)3 below.
 - d. The zoning committee may postpone action on any conditional use permit until any unresolved violations of this Chapter or Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the property brought into full compliance with applicable standards.
 - e. Prior to granting or denying a conditional use, the zoning committee shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:
 - i. General standards for approval of a conditional use under s. 10.101(7)(d);
 - ii. Any prescribed standards specific to the applicable zoning district.
 - iii. Any prescribed standards specific to the particular use under s. 10.103.
 - f. The zoning committee must deny a conditional use permit if it finds that the standards for approval are not met.
 - g. The zoning committee must approve a conditional use permit if it finds that the standards for approval are met.
3. Town Board Action.
- a. The Department of Planning and Development shall provide direct notice to the town clerk of the town where a conditional use is proposed.
 - b. The town board may, at a properly noticed public meeting, grant, grant with conditions or deny any application for conditional use.
 - i. The town board shall communicate its position in writing on the conditional use application within sixty (60) days of the date of the county zoning committee public hearing.
 - ii. The town board may request an extension of the review

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- period of up to forty (40) days by submitting a written request to the zoning committee.
- c. Prior to granting or denying a conditional use, the town board shall make written findings of fact based on evidence presented and issue a determination whether the proposed conditional use, with any recommended conditions, meets all of the following standards:
 - i. General standards for approval of a conditional use under [s. 10.101\(7\)\(d\)](#);
 - ii. Any prescribed standards specific to the applicable zoning district.
 - iii. Any prescribed standards specific to the particular use under [s. 10.103](#).
 - d. The town board must deny a conditional use permit if it finds that the standards for approval are not met.
 - e. The town board must approve a conditional use permit if it finds that the standards for approval are met.
4. Appeals to Board of Adjustment.
- a. Any person aggrieved by the grant or denial of a conditional use permit may appeal the decision of the town board or zoning committee to the Dane County Board of Adjustment.
 - b. Aggrieved parties must file their appeal with the zoning administrator within 30 days of the final action.
- (d) Requirements and standards for conditional use permits
- 1. Standards for approval. Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met:
 - a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
 - b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
 - c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
 - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - f. That the conditional use shall conform to all applicable regulations of the district in which it is located.

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- g.** That the conditional use is consistent with the adopted town and county comprehensive plans.
 - h.** If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in [s. 10.220\(1\)](#).
- 2.** Conditions
 - a.** Standard conditions. The town board and zoning committee shall impose, at a minimum, the following conditions on any approved conditional use permit:
 - i.** Any conditions required for specific uses listed under [s. 10.103](#).
 - ii.** The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
 - iii.** New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.
 - iv.** The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
 - v.** Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
 - 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

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- accommodate the conditional use, the cost of such improvements shall be born by the landowner. Costs born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- x. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
 - xi. The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
 - xii. The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
 - xiii. Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- b.** Other conditions. In addition to the standard conditions listed above, the town board and zoning committee may, at their discretion, impose any other conditions as necessary to meet the standards for approval described in s. [10.101\(7\)\(d\)1](#) above, including but not limited to:
- i. Expiration dates on conditional use permits, except for permits for communication towers under [s. 10.103\(9\)](#). Continuation or extension of an expired conditional use requires re-application and approval by the town board and zoning committee.
 - ii. Limits on hours or days of operation, or number of events each year.
 - 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

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- 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.

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- (8) Petitions to Rezone (Zoning Map Amendments)
- (a)** Who may petition to rezone. As described in [s. 59.69\(5\)\(e\), Wis. Stats.](#), petitions to amend the zoning map to change the zoning district of any new or existing parcels, or to modify the boundaries of any zoning district may be submitted by any of the following:
1. A property owner in the area affected by the proposed amendment;
 2. The town board affected by the proposed amendment;
 3. Any member of the zoning committee, or
 4. Any county board supervisor.
- (b)** Petition requirements.
1. Town consultation. Prior to submitting a rezone petition, applicants must consult with the affected town clerk, town plan commission or town board, as determined by the town.
 2. Application form. Zoning petitions must be submitted in a form approved by the zoning administrator, and must include, at a minimum, the following:
 - a. The name, address and other contact information for the owner(s) of all properties affected by the rezone;

- 2037 **b.** The name, address and other contact information for anyone
 2038 acting as the owner’s agent on the application;
 2039 **c.** A written legal description accurately describing the area to be
 2040 rezoned;
 2041 **d.** A scaled drawing of the proposed rezone area, including area
 2042 in acres or square feet;
 2043 **e.** The town(s) in which the proposed rezone is located;
 2044 **f.** Parcel ID numbers affected by the proposed rezone;
 2045 **g.** A written narrative describing the proposed use;
- 2046 **3.** Site plan. For rezones to the HAM-R, HAM-M, LC, LC, HC, RI or MI
 2047 zoning districts, the applicant must provide site plans as described in
 2048 [s. 10.101\(6\)](#);
- 2049 **4.** Land division application. If required under Chapter 75, Dane
 2050 County Code, the applicant must provide draft certified survey maps,
 2051 preliminary plats, land division applications and any associated fees;
- 2052 **5.** Fees. The applicant must provide payment of all applicable fees as
 2053 described in Chapter 12, Dane County Code.
- 2054 **6.** Other information. Any other information the zoning administrator, or
 2055 designee, determines necessary to evaluate the nature, location or
 2056 intensity of the proposed use or consistency with the Dane County
 2057 Comprehensive Plan or the Dane County Farmland Preservation
 2058 Plan.
- 2059 **7.** Incomplete applications will not be accepted.
- 2060 **(c)** Approval process.
- 2061 **1.** Zoning committee, town board and county board action.
- 2062 (a) The zoning committee, town board and county board shall
 2063 follow the process for public hearing, recommendations,
 2064 amendment, approval, denial and re-referral of petitions to
 2065 rezone as described in [s. 59.69\(5\)\(e\), Wis. Stats.](#)
- 2066 (b) The zoning committee may postpone action on any rezone
 2067 petition until any unresolved violations of this Chapter or
 2068 Chapters 11, 12, 13, 14, 17, 74, 75 or 78 are corrected and the
 2069 property brought into full compliance with applicable standards.
- 2070 (c) The zoning committee or county board may adopt additional
 2071 rules and procedures for petitions to rezone under the authority
 2072 of Chapter 7, Dane County Code.
- 2073 **2.** County executive action. The county executive shall, within a
 2074 reasonable time of county board action, take action on the proposed
 2075 rezone petition. The county executive may sign, refuse to sign or
 2076 veto the rezone petition within the timelines described in [s. 59.17\(6\),](#)
 2077 [Wis. Stats.](#)
- 2078 **(d)** Conditions on rezone petitions.
- 2079 **1.** The zoning committee may recommend and the county board may
 2080 adopt an ordinance effecting an amendment of the zoning district
 2081 map containing the condition that the change in the map will take
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the date of county board approval of the amendment when the first on-site inspection for building location is made and approved for the project sought to be established, and in the event such approved inspection has not occurred by the end of the specified time period, the possibility of making effective the rezoning will then be terminated.

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

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(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

2129 such case, proceedings shall not be stayed otherwise than by a
2130 restraining order, which may be granted by the board of adjustment or
2131 by a court of record on application on notice to the officer from whom
2132 the appeal is taken and on due cause shown.
2133 **(d)** Hearing appeals. The board of adjustment shall fix a reasonable time
2134 for the hearing of the appeal and publish a class 2 notice thereof
2135 under ch. 985, Wis. Stats., as well as give due notice to the parties in
2136 interest, and decide the same within a reasonable time. Upon the
2137 hearing any party may appeal in person or by agent or attorney.
2138 **(e)** Board of Adjustment Action. The board of adjustment may, by majority
2139 vote, affirm, reverse, reverse partly or modify the order, requirement,
2140 decision or determination that is the subject of the appeal. The board
2141 may make such order, requirement, decision or determination as
2142 ought to be made, and to that end shall have all the powers of the
2143 officer from whom the appeal is taken.
2144 **(f)** Effect of denial. If the Board of Adjustment denies an appeal, the
2145 same, or substantially similar appeal cannot be resubmitted for a
2146 period of one year from the date of denial. The Board may waive this
2147 requirement if it finds there is valid new evidence or proof of change of
2148 conditions.

2149 (10) Variances

2150 **(a)** Application. Landowners may apply, on a form approved by the
2151 zoning administrator, for a variance from the standards of this
2152 ordinance.
2153 **(b)** Hearing on application. Upon receipt of a complete and acceptable
2154 petition and accompanying materials, the board of adjustment shall
2155 hold a public hearing on each variance appeal. The board of
2156 adjustment shall establish, by rule, a regular schedule and location for
2157 public hearings. The board of adjustment may prescribe or amend
2158 rules for the conduct of the hearing and preserve a publicly-accessible
2159 recording of the proceedings.
2160 **(c)** Decision. The Board of Adjustment may approve, conditionally
2161 approve, or deny a variance after a public hearing.
2162 **(d)** Majority vote. The concurring vote of a majority of the five-member
2163 Board of Adjustment is required to grant a variance.
2164 **(e)** Findings of fact. The decision of the Board of Adjustment shall include
2165 findings of fact, related to conditions on the site, the standards for
2166 approval of a variance and any impacts on the purposes of this
2167 ordinance.
2168 **(f)** Conditions on variances. The Board of Adjustment may impose
2169 conditions on the use, development or activities subject to the
2170 variance. The Board of Adjustment may require the conditions in order
2171 to comply with the standards in this section, to mitigate the effect of
2172 the variance on other property in the neighborhood, and to better
2173 carry out the general intent of this ordinance.
2174 **(g)** Standards for approval of a variance. The Board of Adjustment shall

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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.

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

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(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.

2220 2. No use, structure or other relaxation of standards shall be approved
2221 that would violate or undermine the stated purpose of this chapter.
2222 3. Where practicable, the improvement authorized by this provision
2223 shall be removed when the premises are no longer occupied or
2224 frequented by a disabled person.
2225 **(b)** If the zoning administrator denies a permit requesting an
2226 accommodation under this subsection, the denial may be appealed to
2227 the Board of Adjustment pursuant to [s. 10.101\(9\)](#).

2228 (2) Buildings and structures.
2229 **(a)** Accessory Buildings.
2230 1. Zoning Permit fees do not apply to agricultural accessory buildings
2231 on farms of 35 acres or larger.
2232 2. Except for agricultural accessory buildings, or for property
2233 management sheds specifically authorized by conditional use
2234 permit, a principal building must exist or be under construction prior
2235 to the construction of an accessory building.
2236 3. Except for accessory dwelling units, accessory buildings may not be
2237 used for living spaces. No guesthouses or apartments are allowed.
2238 4. Except for accessory dwelling units or as specifically permitted by
2239 conditional use permit, plumbing fixtures are prohibited in accessory
2240 buildings.
2241 5. All accessory buildings must meet size, height and lot coverage
2242 restrictions of the general provisions and applicable zoning district.
2243 **(b)** Accessory buildings must meet required setbacks from roads and the
2244 locational requirements of the Shoreland, Wetland, and Floodplain
2245 Districts
2246 **(c)** Modifications to existing buildings.
2247 1. Nothing herein contained shall require any change in the plans,
2248 construction or intended use of a building or premises for which
2249 plans have been prepared heretofore, and the construction of which
2250 shall have been diligently pursued within three (3) months after the
2251 effective date of this ordinance.

2252 (3) Junk and refuse.
2253 Except for salvage yards, solid waste disposal operations or solid waste recycling
2254 centers under an approved conditional use permit, all properties shall be free of
2255 accumulated junk or refuse.

2256 (4) Lighting.
2257 Except for lighting of the United States flag, any outdoor lighting associated with
2258 any permitted or conditional use shall be directed downward and away from
2259 adjacent properties and public rights-of-way, and shall be designed to minimize
2260 ambient light spill.

2261 (5) Noise Reduction.
2262 **(a)** Town boards and the zoning committee may, as necessary, set

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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

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(6) 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

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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

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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 includes 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.

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(7) 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

2384 circulation areas shall be provided and located in accordance with the
2385 requirements of this section. Off-street parking areas in existence as of the
2386 effective date of this ordinance shall not hereafter be reduced below or further
2387 below the requirements for a similar new building or use.

2388 **(c) General provisions.**

- 2389 1. A scaled and dimensioned parking, loading and circulation plan shall
2390 be included within a development plan submitted to and approved
2391 by the zoning administrator prior to issuance of a zoning permit for
2392 construction or expansion of any use. When a use requires a
2393 conditional use permit, such plan shall be submitted with the
2394 application for the conditional use.
- 2395 2. No areas designated for parking, loading or circulation may be used
2396 for any other purposes. Required parking spaces shall be used
2397 solely for the parking of licensed automobiles of occupants, patrons
2398 and employees and licensed service vehicles.
- 2399 3. All parking spaces required to serve buildings erected or uses
2400 established shall be located on the same zoning lot as the building
2401 or use served, except that parking may be located off-site on
2402 another zoning lot provided all of the following criteria are satisfied:
- 2403 4. Off-site parking shall be located only in the LC, HC, MI and PUD
2404 districts.
 - 2405 a. The zoning lots including the principal use and off-site parking
2406 shall be located no farther than 500 feet from one another;
 - 2407 b. Adequate pedestrian connection and directional signage
2408 between the sites exists or shall be provided;
 - 2409 c. The continued availability of such off-site parking areas,
2410 necessary to meet the requirements of this section, shall be
2411 ensured by an agreement among all involved property owners
2412 describing the rights and limitations of all property owners and
2413 businesses. Such agreement shall bind all heirs, successors
2414 and assigns of each owner and shall be approved by the
2415 zoning administrator before being recorded with the register of
2416 deeds.
 - 2417 d. Off-site parking areas shall be subject to the same design
2418 standards as on-site parking areas.
- 2419 5. The parking or storage of motor vehicles provided for in [s.](#)
2420 [10.102\(8\)\(g\)](#) shall not occur within parking spaces otherwise
2421 required by this section.

2422 **(d) Design standards.**

- 2423 1. Access. Adequate ingress and egress to parking and loading areas
2424 by means of clearly limited and defined drives shall be provided.
2425 Access drives shall be perpendicular to the public right-of-way
2426 wherever possible. Access drives shall be spaced a safe distance
2427 from street intersections and each other, shall not be located within
2428 vision corners, and may be limited in number and location according
2429 to applicable local, county, state and federal standards.

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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.

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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.

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- 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.

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- 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.

- 2612 61. Personal storage facility: 1 per storage unit, which may be directly in
- 2613 front of unit entrance.
- 2614 62. Processing or composting of organic byproducts or wastes: 1 per
- 2615 1.3 employees, plus 1 space for every vehicle to be stored or
- 2616 stopped simultaneously on premises.
- 2617 63. Residential uses in a commercial zone: 1.5 per dwelling unit.
- 2618 64. Rooming house: 1 per bed.
- 2619 65. Salvage recycling centers: 1 per 1.3 employees, 1 for each
- 2620 operational vehicle stored on site, plus 3 visitor spaces.
- 2621 66. Sanitary landfills: 1 per 1.3 employees, plus 1 per vehicle stored on
- 2622 site.
- 2623 67. Single family residential: 1 per dwelling unit.
- 2624 68. Solid waste recycling centers and disposal: 1 per 1.3 employees,
- 2625 plus 1 per recycling dropoff container.
- 2626 69. Stock yards, livestock auction facilities: 10 per 1,000 square feet of
- 2627 gross floor area.
- 2628 70. Storage of explosive materials: 1 per 1.3 employees, plus 1 per
- 2629 each truck or other vehicle at premises at peak.
- 2630 71. Storage of vehicles and pieces of construction equipment: 1 per
- 2631 stored vehicle.
- 2632 72. Storage of recreational equipment and motor vehicles not owned by
- 2633 resident: 1 per stored vehicle.
- 2634 73. Temporary asphalt and concrete production: 1 per 1.3 employees at
- 2635 peak shift, plus 1 for every truck, or vehicle on site at peak.
- 2636 74. Tourist or transient lodging: 1 per 1.3 employees, 1 per resident
- 2637 family plus 1 per guest room.
- 2638 75. Transportation, utility, communication or similar use: 1 per 1.3
- 2639 employees if working on site, 1 per maximum number of vehicles
- 2640 anticipated to be onsite at any time.
- 2641 76. Two-family residential: 1 per dwelling unit.
- 2642 77. Vehicle repair or maintenance: 1 at each fuel dispenser, 3 per
- 2643 service bay, 1 per vehicle stored on premises, 1 per 1.3 employees.
- 2644 78. Veterinary clinics: 1 per 1.3 employees, plus 3 per examination or
- 2645 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:

- 2650 1. Technical documentation supplied by the applicant indicates, to the
- 2651 satisfaction of the zoning administrator, that actual parking demand
- 2652 for that particular development is less than the standard would
- 2653 suggest;
- 2654 2. Bicycle parking facilities will be provided through racks, lockers or
- 2655 equivalent structures located convenient to the proposed use;
- 2656 3. A public transportation route is located within 1,000 feet of the
- 2657 property;

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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

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- 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.

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- (8) 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

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- 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.

- (9) 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.

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- (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 1/2) feet to a side or rear lot line, provided, however, if the front building line of any accessory building is located closer than 109 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.

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- (10) 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;

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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.

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(11) 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.

1. Screening is required along the interior boundary of any lot in the Limited Commercial (LC), General Commercial (LC), 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 town board and 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.

(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.

- 2929 h. Evergreen trees shall be a minimum of 4 feet tall at the time
- 2930 of planting.
- 2931 i. There shall be a ground cover of either native grasses and
- 2932 flowers, or lawn grasses.
- 2933 2. Vegetative screens shall not interfere with applicable vision triangle
- 2934 requirements.
- 2935 3. Within the screening area, vegetation shall be maintained in viable
- 2936 growing conditions. Maintenance of the ground cover shall be
- 2937 completed in a manner so as to maintain the shape or appearance
- 2938 of trees within the buffer area.
- 2939 4. Screens shall be maintained along the interior boundaries of the lot
- 2940 to a point 15 feet from the street right-of-way.
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2942 10.103. Special Requirements for Particular Uses

- 2943 (1) Accessory dwelling units.
- 2944 (a) On lots zoned for single-family residential use, no more than one
- 2945 accessory dwelling unit may be created per lot.
- 2946 (b) Multiple accessory dwelling units per lot may be created only in the
- 2947 Multi-Family Residential (MFR) , Hamlet Residential (HAM-R) or
- 2948 Hamlet Mixed-Use (HAM-M) districts, or within a manufactured home
- 2949 community permitted under [s. 10.103\(14\)](#).
- 2950 (c) A detached accessory dwelling unit may be included in either an
- 2951 existing or new dwelling unit.
- 2952 (d) Lots accommodating an accessory dwelling unit must meet the
- 2953 minimum lot size for the applicable zoning district.
- 2954 (e) In no case shall an accessory dwelling unit exceed 800 square feet of
- 2955 occupiable floor area.
- 2956 (f) No accessory dwelling unit shall have more than two bedrooms.
- 2957 (g) Accessory dwelling units shall not be sold separately from the
- 2958 principal dwelling unit, nor from the property on which it sits.
- 2959 (h) A lot or parcel of land containing an accessory dwelling unit shall be
- 2960 occupied by the owner of the premises. The owner may live in either
- 2961 the accessory dwelling unit or the principal residence.
- 2962 (i) The orientation of the proposed accessory dwelling unit shall, to the
- 2963 maximum extent practical, maintain the privacy of residents in
- 2964 adjoining dwellings. The town board and zoning committee may, as
- 2965 necessary, require screening, consistent with [s. 10.102\(12\)](#) between a
- 2966 property containing an ADU and adjacent properties.
- 2967 (j) Off-street parking shall be provided consistent with [s. 10.102\(8\)](#).
- 2968 (k) Accessory dwelling units must meet applicable residential building
- 2969 codes and sanitary codes.

- 2970 (2) Adult book stores.
- 2971 (a) The County of Dane, relying upon the experience of other local

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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\(7\)](#) 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) nonflashing 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.

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(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

- 3018 6. any local law enforcement agency.
3019 (c) Event plans for such activities must be filed at least 30 days prior to
3020 the start of any activities in each calendar year.
- 3021 (4) Airport, landing strip or heliport.
3022 (a) All buildings, structures, outdoor airplane or helicopter storage areas
3023 shall conform to the setbacks, maximum building height and lot
3024 coverage requirements for agricultural or commercial accessory
3025 buildings in the underlying zoning district.
3026 (b) Runways shall be located a minimum of 100 feet from all lot lines.
3027 (c) Runways must be laid out to provide sufficient clear space, either
3028 within the property boundaries, or through the use of a recorded
3029 avigation easement for safe takeoff and landing. Clear space must
3030 meet current WISDOT Bureau of Aeronautics distance-to-height ratios
3031 appropriate to the speed of the proposed aircraft.
3032 (d) All proposed airports, landing strips or heliports must meet all current
3033 requirements of Chapter 114, Wisconsin Statutes, TRANS 57,
3034 Wisconsin Administrative Code, or its successor and any applicable
3035 standards from the Federal Aeronautics Administration.
3036 (e) Applicants must submit, with their conditional use permit application,
3037 copies of Wisconsin Department of Transportation airport review
3038 applications or approved certificates.
3039 (f) The committee and town board may require visual screening, per the
3040 standards in [s. 10.102\(12\)](#), provided that such screening will not
3041 interfere with airport operations.
- 3042 (5) Animal boarding, domestic pets.
3043 (a) Use shall be enclosed by a fence or other suitable enclosure to
3044 prevent animals from leaving the site.
3045 (b) Each animal shall be provided with an indoor containment area if the
3046 use is located within 500 feet of an existing residence or any lot in the
3047 Single Family Residential, Two-Family Residential, Multi-Family
3048 Residential, Rural Residential or Hamlet districts.
3049 (c) Each animal enclosure shall meet current minimum design and space
3050 requirements of the US Department of Agriculture, Animal and Plant
3051 Health Inspection Service, under the Federal Animal Welfare Act.
3052 (d) Applicant shall submit a manure management plan.
3053 (e) At their discretion, and where necessary to minimize impacts to
3054 neighboring properties, the town board and zoning committee may:
3055 1. impose noise limits under [s. 10.102\(6\)](#),
3056 2. require visual screening, consistent with [s. 10.102\(12\)](#), and/or;
3057 3. establish hours where animals must be kept indoors.
3058 (f) The committee and town board will impose limits on the total number
3059 of animals that may be present at any one time, as appropriate to the
3060 site and neighboring land uses.
- 3061 (6) Animal boarding, large animal.

- 3062 **(a)** Use shall be enclosed by a fence or other suitable enclosure to
3063 prevent animals from leaving the site.
3064 Each animal enclosure shall meet current minimum design and space
3065 requirements of the US Department of Agriculture, Animal and Plant Health
3066 Inspection Service, under the Federal Animal Welfare Act.
3067 The committee and town board will impose limits on the total number
3068 of animals that may be present at any one time, as appropriate to the
3069 site and neighboring land uses.
- 3070 **(b)** Operations exceeding one animal unit per acre must comply with the
3071 standards of [s. 10.103\(7\)](#).
- 3072 (7) Animal use in excess of one animal unit per acre
- 3073 **(a)** Applicant must submit and maintain a site-specific manure
3074 management plan.
3075 **(b)** Applicant must maintain a Farm Conservation Plan, compliant with [NR](#)
3076 [151, Subchapter II, Wisconsin Administrative Code](#), that is approved
3077 by the County Conservationist.
- 3078 (8) Campgrounds.
- 3079 Campgrounds must meet all current standards and permitting requirements of:
- 3080 **(a)** ATCP 79, Wisconsin Administrative Code, or its successor.
3081 **(b)** Chapter 11, Dane County Code. Camping units must meet all
3082 principal structure setbacks from ordinary high water marks or wetland
3083 boundaries.
3084 **(c)** Chapter 17, Dane County Code, including all applicable flood warning,
3085 evacuation, record-keeping and notice standards.
- 3086 (9) Communication towers.
- 3087 **(a)** Purpose. The purpose and intent of this section is to provide a uniform
3088 and comprehensive set of standards for the development and
3089 installation of telecommunication and related facilities, including
3090 broadcast radio and television facilities. The provisions of this section
3091 are intended to ensure that telecommunication facilities are located,
3092 constructed, maintained and removed in a manner that:
- 3093 1. Protects and promotes public health, safety, community welfare
3094 and the quality of life in Dane County as set forth within the goals,
3095 objectives and policies of the Dane County Comprehensive Plan,
3096 this ordinance, and [s. 66.0404 Wis. Stats](#);
- 3097 2. Respects the rights and interests of towns, neighboring property
3098 owners, and existing land uses on adjoining properties in the
3099 decision making process;
- 3100 3. Recognizes the public necessity for telecommunication facilities and
3101 the numerous benefits and opportunities a robust wireless
3102 infrastructure make possible for county residents, including
3103 improved public safety, efficient production and distribution of goods
3104 and services, access to educational resources, and economic
3105 development opportunities;

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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;
 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; and
 8. Avoids potential damage to adjacent properties from tower failure or ice falls through sound engineering and careful siting of structures.
 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 Materials. In addition to materials required under s. 10.101(6), the landowner must provide, in a form acceptable to the zoning administrator, the following:
 - a. Application. Completed communications tower permit application form, that includes, at a minimum:
 - i. The name and business address of, and the contact individual for, the applicant.
 - ii. The location of the proposed or affected support structure.
 - iii. The location of the proposed mobile service facility.
 - b. Project narrative. A signed project narrative explaining the need for a new or modified communication tower. The narrative should also include the following information:
 - i. An explanation why the particular site was selected.
 - ii. For an application to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation. The narrative must include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. For the purposes of this section, "economically burdensome" means that the cost of collocation exceeds the cost of construction of a new tower by 25 percent or more.

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- c.** Search ring map. Applicants must submit a search ring map drawn to a measurable scale, showing the area in which the applicant seeks to locate their equipment. The map must show and include road names, municipal boundaries, all existing telecommunication facilities within 1 mile of the search ring, and any tall structure over 100' in height within the search ring. The map must document and assign an identification number to all existing towers within the designated radius and include a brief statement explaining why the tower is not viable for collocation. The zoning administrator may require that the map be accompanied by a table providing additional data for each existing tower within 1 mile of the search ring, including but not limited to, the following: simple description of the tower, existing and maximum design height, registration number; owner's name and contact information; present percentage of use of the tower, available aperture at the requester's preferred height, type of communication technology being used.
- d.** Radio frequency propagation maps. Two radio frequency (RF) propagation plots depicting the carrier's current service (clearly highlighting the existing service area void), and the service to be gained by the proposed facility. These plots shall be prepared in accordance with accepted industry standards and shall be accompanied by a clear and simply written description by an RF engineer explaining the plots and how to read them.
- e.** Site plan. In addition to all of the information required under [s. 10.101\(6\)](#), site plans must include the following information:

 - i. Existing or proposed zoning and conditional use permit area and proposed 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. 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

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- ii. surfacing of the tower and ancillary facilities;
 - ii. A statement indicating the anticipated design capacity of the tower in terms of the number and type of collocations it is designed to accommodate;
 - iii. Preliminary drawings showing the dimensions and design details for all tower facilities.
 - 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.
 - 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.
 - j.** Existing and Proposed Network Buildout. 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 plans 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.
 - k.** Other information – Depending upon the proposal, the county Zoning & Land Regulation Committee may request additional information from the applicant prior to acting on a Conditional Use Permit application.
 - l.** Fees. Application fees as required in Chapter 12.
- (c) General standards.**
- a.** Height. Height shall meet any applicable airport height limitation ordinances. No tower may be more than 195 feet in height unless a variance from this requirement is granted based on unique transmission condition problems which cannot be overcome by another location.
 - b.** Setbacks. All structures must meet all front, side and rear setbacks provided by this ordinance and Chapter 11, Dane County Code.

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

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- (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.

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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.

3335 3. The Zoning Committee shall require the recording of a notice
3336 document with the Register of Deeds on the subject property
3337 notifying current and future owners of the provisions of paragraph 1.
3338 and 2. of this section.

3339 (12) Limited family business.

- 3340 (a) A conditional use permit for a limited family business is designed to
3341 accommodate small family businesses without the necessity for
3342 relocation or rezoning while at the same time protecting the interests
3343 of adjacent property owners. Applicants for this conditional use permit
3344 should recognize that rezoning or relocation of the business may be
3345 necessary or may become necessary if the business is expanded. No
3346 limited family or rural business shall conflict with the purposes of the
3347 zoning district in which it is located.
- 3348 (b) The use shall employ no more than one or one full-time equivalent,
3349 employee who is not a member of the family residing on the premises.
- 3350 (c) Using applicable conditional use permit standards, the committee
3351 shall determine the percentage of the property that may be devoted to
3352 the business.
- 3353 (d) The conditional use permit holder may be restricted to a service
3354 oriented business and thus prohibited from manufacturing or
3355 assembling products or selling products on the premises or any
3356 combination thereof.
- 3357 (e) The conditional use permit may restrict the number and types of
3358 machinery and equipment the permit holder may be allowed to bring
3359 on the premises.
- 3360 (f) Structures used in the business shall be considered to be residential
3361 accessory buildings and shall meet all requirements for such
3362 buildings. The design and size of the structures is subject to
3363 conditions set forth in the conditional use permit.
- 3364 (g) Sanitary fixtures to serve the limited family business use may be
3365 installed, but must be removed upon expiration of the conditional use
3366 permit or abandonment of the limited family business.
- 3367 (h) The conditional use permit shall automatically expire on sale of the
3368 property or the business to an unrelated third party.

3369 (13) Limited farm business.

- 3370 (a) Uses are limited to those listed as permitted uses in the LC or GC
3371 zoning districts, provided the use does not conflict with the overall
3372 purposes of the applicable zoning district.
- 3373 (b) Area dedicated to the Limited farm business use must not exceed
3374 10,000 square feet in indoor floor area.
- 3375 (c) Limited farm businesses must be contained entirely within building(s)
3376 in existence prior to April 30, 2005.
- 3377 (d) The landowner must maintain, restore or enhance the existing exterior
3378 character of the building(s).
- 3379 (e) No Limited farm business shall employ more than 4 non-family

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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

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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.

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(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.

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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

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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.
 - a. Notice of Blasting Events.** Prior to any blasting event, notice shall be provided to nearby residents as described in SPS 307, Wisconsin Administrative Code. In addition, operators will honor the requests of residents within 500' of the mineral extraction site to either receive or stop receiving such notices at any time.
 - b. Other standards.** All blasting on the site must conform with all requirements of SPS 307, Wisconsin Administrative Code, as amended from time to time, or its successor administrative code regulations.

- 3610 c. Fly rock shall be contained within the permitted mineral
3611 extraction area.
- 3612 2. Fuel storage. All fuel storage must comply with ATCP 93, Wisconsin
3613 Administrative Code, including provisions for secondary spill
3614 containment.
- 3615 3. Mineral extraction at or near groundwater. All excavation equipment,
3616 plants, and vehicles shall be fueled, stored, serviced, and repaired
3617 on lands at least 3 feet above the highest water table elevation to
3618 prevent against groundwater contamination from leaks or spills.
- 3619 4. In the event that a mineral extraction operation will destroy an
3620 existing Public Land Survey Monument, witness monuments must
3621 be established in safe locations and a new Monument Record filed
3622 by a Professional Surveyor, prior to excavation and disturbance of
3623 the existing monument.

- 3624 (16) Outdoor assembly events [as defined in [s. 10.004\(113\)](#)
3625 **(a)** The landowner shall file an event plan, approved by the zoning
3626 administrator, addressing, at a minimum the following issues:
3627 1. the number of events proposed each year
3628 2. the maximum expected attendance at each event
3629 3. off-street parking, to meet standards in [s. 10.102\(8\)](#)
3630 4. days and hours of operation
3631 5. ingress and egress
3632 6. sanitation
3633 7. trash / recycling collection and disposal
3634 8. proposed signage
3635 9. other public safety issues
3636 **(b)** Event plans must be filed with the following:
3637 1. the zoning administrator,
3638 2. town clerk,
3639 3. servicing fire department,
3640 4. emergency medical service provider,
3641 5. Dane County Sheriff's Department and
3642 6. any local law enforcement agency.
3643 **(c)** Event plans for recurring or annual activities must be filed at least 30
3644 days prior to the start of any activities in each calendar year.

- 3645 (17) Salvage yards or junkyards
3646 **(a)** Use. For purposes of this ordinance, any premises used for the
3647 storage, gathering, recycling or sale of junk, as defined in this chapter,
3648 is a salvage recycling center. A salvage recycling center need not
3649 have a commercial purpose.
3650 1. Junk, as defined under this chapter, may be stored on any premises
3651 on which a permitted business enterprise is actually conducted,
3652 provided, that all such junk is actually used in the conduct of such
3653 permitted business enterprise, and that all such junk is at all times

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stored in an enclosed building on the premises, thereby securing it from public view.

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

(b) Location and boundaries.

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

(c) License.

1. Before any premises may be used as a privately operated salvage yard or junkyard, it shall be licensed. Application for such license shall be made to the zoning administrator, setting forth the description of the premises, the nature of the business and the materials to be handled, the type of construction of any building to be used in connection with the business, the applicant's name or names, officers, if any, and address of each. The application shall be referred to the zoning committee which shall, within a reasonable time, hold a public hearing, notice of which shall be given by a class 2 notice under chapter 985, Wis. Stats. If, after such public hearing, the zoning committee finds that the premises are in conformity with the provisions of this ordinance, and that the site is suitable for the conduct of such business, the committee shall grant a license, and such license shall expire on July 1 of each year. Licenses may be renewed from year to year on authorization of the committee when inspection discloses that the business is being conducted in accordance with the provisions of this ordinance.
2. Revocation of license. Upon the complaint of any interested person, or on its own motion or after inspection discloses that the provisions of this ordinance are being violated, the zoning committee may hold a public hearing to determine whether a privately operated salvage yard or junkyard license shall be revoked, notice of such hearing to be given to all interested parties. After public hearing, the zoning committee may order the license revoked.
3. Should any town elect to license salvage yard or junkyards by adoption of an ordinance pursuant to the provisions of [s. 59.55\(5\), Wis. Stats.](#), and file a copy of such ordinance with the zoning department, then the provisions of paragraphs (a) and (b) above shall not apply, but no such license shall be issued by any town for such purpose unless the area is properly zoned and unless the zoning committee, after public hearing, determines that the site is

3700 suitable. When a salvage yard or junkyard is licensed by the town,
3701 then the responsibility of controlling such salvage yard or junkyard
3702 rests with the town.

- 3703 (18) Small-scale farming.
3704 (a) Small-scale farming is considered an accessory use to a permitted or
3705 conditional principal use and is subject to the following limitations:
3706 (b) Except for domestic pets, domestic fowl and beekeeping, animal use
3707 shall not be permitted on parcels smaller than one acre. For parcels
3708 one acre or larger, animals shall be limited to one animal unit per
3709 acre.
3710 (c) Accessory buildings, structures or cages housing livestock shall be at
3711 least 100 feet from any of the Residential, Rural Residential or Hamlet
3712 zoning districts.

3713 (19) Solid waste disposal operations.
3714 Solid waste disposal operations shall not be located within the zone of
3715 contribution for municipal wells, as shown in the most current adopted version of
3716 the Dane County Water Quality Plan.

- 3717 (20) Temporary batch concrete and asphalt production.
3718 (a) The zoning committee and town board shall set daily limits on hours
3719 for concrete and asphalt production, as necessary to minimize impact
3720 on neighboring properties. Schedules for concrete or asphalt
3721 production need not conform to hours of operation for the overall
3722 mineral extraction project.
3723 (b) Operators of concrete or asphalt plants shall be responsible for any
3724 conditions placed on such operations.
3725 (c) Asphalt production facilities must comply with all requirements,
3726 including spill containment, of Chapter ATCP 93, Wisconsin
3727 Administrative Code.
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3729 10.200. Zoning Districts

3730 (1) Purpose.
3731 All lands located within the jurisdiction of this chapter are hereby divided into
3732 zoning districts in order to:

- 3733 (a) achieve compatibility of land uses within each district
3734 (b) implement the adopted goals, objectives and policies of the Dane
3735 County Comprehensive Plan, town comprehensive plans, and the
3736 Dane County Farmland Preservation Plan, and
3737 (c) to achieve the other stated purposes of this chapter.

3738 (2) Zoning Districts
3739 (a) Sections 10.210 through 10.292 describe the zoning districts within
3740 the jurisdiction of this Chapter.

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- (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\(7\)](#), or the board of adjustment overturns a denial of a conditional use permit under [s. 10.101\(7\)\(c\)4](#).
 3. Land uses not listed as either permitted uses or conditional uses are considered to be prohibited in that zoning district.

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(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.

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(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.

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- (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

3785 change in the location of such streams, rivers, or other watercourses,
3786 the zoning district boundary shall be construed as moving with the
3787 channel centerline.
3788 **(e)** Zoning district boundaries shown as separated from any of the
3789 features listed in paragraphs (a) through (d) above shall be construed
3790 to be at such distances as shown on the Official Zoning Map
3791 **(f)** Streets, highways, roads or alleys which are shown on the zoning
3792 district maps and which heretofore have been vacated, or which may
3793 be vacated hereafter, shall be in the same zoning district as the lots,
3794 pieces or parcels abutting both sides of the street, highway, road or
3795 alley involved. If the lots, pieces or parcels abutting each side of the
3796 street, highway, road or alley were located in different zoning districts
3797 before the said street or alley was vacated, the centerline of the said
3798 vacated street or alley shall be the boundary line of the respective
3799 zoning districts.
3800 **(g)** Where the exact location of a zoning district boundary, as shown on
3801 the Official Zoning Map, is uncertain, the boundary location shall be
3802 determined by the Zoning Administrator.
3803 **(h)** The zoning administrator may determine the zoning of unzoned
3804 vacated lands, based on the zoning of lands to which the vacated
3805 lands are attached.
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3807 10.210. Natural Resource and Recreation Zoning Districts

3808 10.211. NR-C (Natural Resource Conservation) Zoning District

3809 (1) Purpose.

3810 The purpose of the NR-C Natural Resource Conservation district is to protect,
3811 maintain, and enhance natural resource and open space areas. Limited
3812 permitted and conditional uses are offered, and regulation of these areas will
3813 serve to control erosion and promote the rural character and natural beauty of
3814 the County while seeking to assure protection of areas with significant
3815 topography, natural watersheds, ground and surface water, wildlife habitat,
3816 recreational sites, archeological sites, and other natural resource characteristics
3817 that contribute to the environmental quality of the County.

3818 (2) Permitted uses

3819 **(a)** Undeveloped natural resource and open space area.
3820 **(b)** Hiking, fishing, trapping, hunting, swimming and boating.
3821 **(c)** Outdoor passive recreation
3822 **(d)** Propagation and raising of game animals, fowl and fish.
3823 **(e)** The practice of silviculture, including the planting, thinning and
3824 harvesting of timber.
3825 **(f)** The harvesting of any wild crops such as marsh hay, ferns, moss,
3826 berries, tree fruits and tree seeds, in a manner that is not injurious to
3827 the natural reproduction of such crops.

- 3828 (g) Pasturing/grazing of livestock, limited to one (1) animal unit per each
3829 full acre.
3830 (h) Uses permitted within a shoreland – or inland – wetland district under
3831 ss. 11.07 and 11.08, Dane County Code.
3832 (i) Soil conservation, shoreland, wetland and ecological restoration
3833 practices under an approved permit and consistent with technical
3834 standards approved by the Director of the Land and Water
3835 Resources.
3836 (j) Nonresidential buildings or structures accessory to any permitted
3837 use, provided any such building or structure is not located in a
3838 floodway, shoreland-wetland, or inland-wetland district.
3839 (k) Invasive species control, when conducted according to best practices
3840 approved by the Director of Land and Water Resources or the Natural
3841 Resources Conservation Service.

3842 (3) Conditional uses

- 3843 (a) The establishment and development of public and private parks and
3844 recreation areas, primitive campgrounds, boat access sites, natural
3845 and outdoor education areas, historic and scientific areas, wildlife
3846 refuges, game preserves and private wildlife habitat areas.
3847 (b) Soil conservation, shoreland, wetland and ecological restoration
3848 practices, other than those listed as permitted uses above.
3849 (c) The construction and maintenance of roads, railroads or utilities,
3850 provided that:
3851 1. The facilities cannot as a practical matter be located outside the NR-
3852 C district; and
3853 2. Any filling, excavating, ditching, draining, land disturbance or
3854 removal of vegetation that is to be done must be necessary for such
3855 construction or maintenance and must be done in a manner
3856 designed to minimize adverse impacts upon the natural and
3857 ecological resources of the site.

3858 (4) Lot size requirements

- 3859 (a) Minimum lot size. None.
3860 (b) Maximum lot size. None.

3861 (5) Setbacks and required yards

- 3862 (a) Front yard. Any permitted structure must comply with road setbacks
3863 as described in [s. 10.102\(9\)](#). For parcels without road frontage,
3864 structures must be at least four feet from the lot line where primary
3865 access to the parcel is made.
3866 (b) Side yard. Any permitted structures must be at least four feet from the
3867 side lot line.
3868 (c) Rear yard. Any permitted structures must be at least four feet from the
3869 rear lot line.

3870 (6) Lot coverage.

3871 No building together with its accessory buildings shall occupy in excess of 10
3872 percent (10%) of the area of a lot in the NR-C district.
3873

3874 10.212. RE (Recreational) Zoning District

3875 (1) Purpose.

3876 The purpose of the RE Recreational District is to allow for a mix of environmental
3877 conservation and both passive and active outdoor recreation activities. Permitted
3878 uses are those typically associated with public or private parks, golf courses and
3879 similar land uses that produce limited noise, traffic, light and other potential
3880 nuisances. Conditional uses include those uses, such as lighted athletic fields,
3881 outdoor concerts and commercial uses that have the potential to generate
3882 significant noise, traffic or other impacts to neighboring properties.

3883 (2) Permitted uses

- 3884 (a) Undeveloped natural resource and open space area.
- 3885 (b) Hiking, fishing, trapping, hunting, swimming and boating.
- 3886 (c) Outdoor passive recreation
- 3887 (d) Propagation and raising of game animals, fowl and fish.
- 3888 (e) The practice of silviculture, including the planting, thinning and
3889 harvesting of timber.
- 3890 (f) The harvesting of any wild crops such as marsh hay, ferns, moss,
3891 berries, tree fruits and tree seeds, in a manner that is not injurious to
3892 the natural reproduction of such crops.
- 3893 (g) Pasturing/grazing of domestic animals, limited to one (1) animal unit
3894 per each full acre.
- 3895 (h) Uses permitted within a shoreland or inland – wetland district under
3896 ss. 11.07 and 11.08, Dane County Code. Pasturing of livestock is
3897 subject to the animal unit limitation in sub. (e), above.
- 3898 (i) Soil conservation, shoreland, wetland and ecological restoration
3899 practices.
- 3900 (j) Nonresidential buildings or structures accessory to any permitted use,
3901 provided any such building or structure is not located in a floodway,
3902 shoreland-wetland, or inland-wetland district.
- 3903 (k) The establishment and development of public and private parks and
3904 recreation areas, primitive campgrounds, boat access sites, natural
3905 and outdoor education areas, historic and scientific areas, wildlife
3906 refuges, game preserves and private wildlife habitat areas.
- 3907 (l) Agricultural uses
- 3908 (m) Community gardens
- 3909 (n) Outdoor active recreation, not lighted for nighttime activities
- 3910 (o) Outdoor passive recreation
- 3911 (p) Recreational accessory uses
- 3912 (q) Utility services associated with, and accessory to, a permitted or
3913 conditional use

3914 (r) The construction and maintenance of roads, railroads, utilities,
3915 provided that:
3916 1. The facilities cannot as a practical matter be located outside the RE
3917 district; and
3918 2. Any filling, excavating, ditching, draining, land disturbance or
3919 removal of vegetation that is to be done must be necessary for such
3920 construction or maintenance and must be done in a manner
3921 designed to minimize adverse impacts upon the natural and
3922 ecological resources of the site.

3923 (3) Conditional uses
3924 (a) Campgrounds
3925 (b) Caretaker's residence
3926 (c) Cemeteries
3927 (d) Indoor active recreation
3928 (e) Outdoor active recreation, lighted for nighttime activities
3929 (f) Outdoor assembly events
3930 (g) Outdoor entertainment

3931 (4) Lot size requirements
3932 (a) Minimum lot size. All lots created in the RE-1 zoning district must be
3933 at least 15,000 square feet in area.
3934 (b) Maximum lot size. None.

3935 (5) Setbacks and required yards.
3936 (a) Front yard. Any permitted structure must comply with road setbacks
3937 as described in [s. 10.102\(9\)](#). For parcels without road frontage,
3938 structures must be at least four feet from the lot line where primary
3939 access to the parcel is made.
3940 (b) Side yard. Any permitted structures must be at least four feet from the
3941 side lot line.
3942 (c) Rear yard. Any permitted structures must be at least four feet from the
3943 rear lot line.

3944 (6) Lot coverage.
3945 No building together with its accessory buildings shall occupy in excess of 15
3946 percent (15%) of the area of a lot in the RE district.
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3948 10.220. Farmland Preservation Districts

3949 (1) Provisions applicable to all Farmland Preservation Districts

- 3950 (a) Conditional Use Standards in Farmland Preservation Districts. In
3951 addition to the requirements of s. 10.101(7)(d), the zoning committee
3952 must find that the following standards are met before approving any
3953 conditional use permit in any Farmland Preservation zoning district.
- 3954 1. The use and its location in the Farmland Preservation Zoning District
3955 are consistent with the purposes of the district.
 - 3956 2. The use and its location in the Farmland Preservation Zoning district
3957 are reasonable and appropriate, considering alternative locations, or
3958 are specifically approved under state or federal law.
 - 3959 3. The use is reasonably designed to minimize the conversion of land,
3960 at and around the site of the use, from agricultural use or open
3961 space use.
 - 3962 4. The use does not substantially impair or limit the current or future
3963 agricultural use of surrounding parcels of land that are zoned for or
3964 legally restricted to agricultural use.
 - 3965 5. Construction damage to land remaining in agricultural use is
3966 minimized and repaired, to the extent feasible.
- 3967 (b) Rezones out of a Farmland Preservation Zoning District. The county
3968 board must find that the following standards are met before approving
3969 any petition to rezone any land from a Farmland Preservation Zoning
3970 district to a non-Farmland Preservation zoning district:
- 3971 1. The land is better suited for a use not allowed in the farmland
3972 preservation zoning district.
 - 3973 2. The rezoning is consistent with the current adopted version of the
3974 Dane County Comprehensive Plan.
 - 3975 3. The rezoning is substantially consistent with the current state-
3976 certified Dane County Farmland Preservation Plan.
 - 3977 4. The rezoning will not substantially impair or limit current or future
3978 agricultural use of surrounding parcels of land that are zoned for or
3979 legally restricted to agricultural use.
- 3980

3981 10.221. FP-1 (Small-lot Farmland Preservation) Zoning District

3982 (1) Purpose.

3983 The FP-1 district is designed to:

- 3984 (a) Provide for a modest range of agriculture and agricultural accessory
3985 uses, at scales consistent with the size of the parcel and compatible
3986 with neighboring land uses. The FP-1 district accommodates uses
3987 which are associated with production and harvesting of crops,
3988 livestock, animal products or plant materials. These uses may involve
3989 noise, dust, odors, heavy equipment, use of chemicals and long hours
3990 of operation.

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- (b)** Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.
- (c)** Preserve agricultural and open space uses on zoning lots between one (1) and thirty-five (35) acres in size.
- (d)** Provide for additional economic opportunities for property owners that are generally compatible with agricultural use, such as the establishment of new small-scale farming operations, including market gardens, road-side farmstands, pick-your-own operations, or Community Supported Agriculture farms.
- (e)** Preserve remnant parcels of productive agricultural land following development of adjoining property.
- (f)** Meet the criteria for certification as a Farmland Preservation Zoning District under [s. 91.38, Wis. Stats.](#)

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(2) Permitted uses.
The following are permitted uses in this district:

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

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- (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) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
 - (c) Electric generating facilities, provided 100% of the production output of the facility is derived from renewable energy resources.

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- (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.

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- (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.

- 4081 2. Accessory buildings not housing livestock must be at least 10 feet
4082 from any rear lot line.
- 4083 (6) Building height.
4084 (a) Agricultural buildings. There is no limitation on height for agricultural
4085 buildings.
- 4086 (7) Lot coverage.
4087 (a) Parcels 2 acres or less in area. No building together with its accessory
4088 buildings shall occupy in excess of 30 percent (30%) of the area of an
4089 interior lot or 35 percent (35%) of the area of a corner lot.
4090 (b) Parcels over 2 acres in area. No limitation on lot coverage.
- 4091 (8) Other restrictions on buildings.
4092 (a) Accessory buildings.
4093 1. There is no limitation on the number of accessory buildings in the
4094 FP-1 district, provided lot coverage standards are met.
4095 2. Accessory buildings may be constructed on property without a
4096 principal residence only if it is clearly related to a legitimate
4097 agricultural or agricultural accessory use.
4098 3. Sanitary facilities are prohibited in agricultural accessory buildings
4099 unless specifically authorized by conditional use permit.
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4101 10.222. FP-35 (General Farmland Preservation) Zoning District

- 4102 (1) Purpose.
4103 The FP-35 General Farmland Preservation district is designed to:
4104 (a) Provide for a wide range of agriculture and agricultural accessory
4105 uses, at various scales. The FP-35 district accommodates as
4106 permitted uses all activities typically associated with the primary
4107 production and harvesting of crops, livestock, animal products or plant
4108 materials. Such uses may involve noise, dust, odors, heavy
4109 equipment, use of chemicals and long hours of operation.
4110 (b) Allow for incidental processing, packaging, storage, transportation,
4111 distribution or other activities intended to add value to agricultural
4112 products produced on the premises or to ready such products for
4113 market. Such uses are conditional as they may have the potential to
4114 pose conflicts with agricultural use due to: volumes or speed of
4115 vehicular traffic; residential density; proximity to incompatible uses;
4116 environmental impacts; or consumption of agriculturally productive
4117 lands.
4118 (c) Allow for other incidental activities, compatible with agricultural use, to
4119 supplement farm family income and support the agricultural
4120 community.
4121 (d) Preserve productive agricultural land for food and fiber production.

- 4122 (e) Preserve productive farms by preventing land use conflicts between
- 4123 incompatible uses.
- 4124 (f) Maintain a viable agricultural base to support agricultural processing
- 4125 and service industries.
- 4126 (g) Reduce costs for providing services to scattered non-farm uses.
- 4127 (h) Pace and shape urban growth.
- 4128 (i) Meet the criteria for certification as a Farmland Preservation Zoning
- 4129 District under [s. 91.38](#), Wis. Stats.

4130 (2) Permitted uses.

- 4131 (a) Agricultural Uses.
- 4132 (b) Agricultural Accessory Uses, except those uses listed as conditional
- 4133 uses in subd.(3) below, and subject to the following limitations and
- 4134 standards.
- 4135 1. Any residence lawfully existing as of February 20, 2010, provided all
- 4136 of the following criteria are met:
- 4137 a. the use remains residential,
- 4138 b. the structure complies with all building height, setback, side yard
- 4139 and rear yard standards of this ordinance; and
- 4140 c. for replacement residences, the structure must be located within
- 4141 100 feet of the original residence, unless site-specific
- 4142 limitations or town residential siting standards in town plans
- 4143 adopted by the county board require a greater distance.
- 4144 Proposals for a replacement residence that would exceed the
- 4145 100 foot limitation must be approved by the relevant town
- 4146 board and county zoning committee.
- 4147 2. Residential accessory buildings, home occupations, foster care for
- 4148 less than 5 children community living arrangements for less than 9
- 4149 people or incidental room rental associated with either:
- 4150 a. an existing residence permitted under 1. above, or
- 4151 b. a farm residence approved by conditional use permit.
- 4152 3. Rental of existing or secondary residences located on a farm, but no
- 4153 longer utilized in the operation of the farm.
- 4154 4. Agricultural accessory buildings, including those with sanitary
- 4155 facilities.
- 4156 5. Agricultural entertainment activities or special events under 10 days
- 4157 per calendar year in the aggregate, including incidental preparation
- 4158 and sale of beverages and food.
- 4159 6. Farm related exhibitions, sales or events such as auctions, dairy
- 4160 breakfasts, exhibitions of farm machinery and technology,
- 4161 agricultural association meetings and similar activities occurring on
- 4162 no more than ten days in a calendar year.
- 4163 7. The seasonal storage of recreational equipment and motor vehicles
- 4164 owned by private individuals other than those residing on the
- 4165 premises, such storage to be in accessory farm buildings existing as
- 4166 of January 1, 2010. The storage of a dealer's inventory or the
- 4167 construction of any new buildings for storage is prohibited.

- 4168 8. Sales of agricultural products produced on the farm.
- 4169 9. Large animal boarding.
- 4170 (c) Undeveloped natural resource and open space areas.
- 4171 (d) Utility services associated with, and accessory to, a permitted or
- 4172 conditional use.
- 4173 (e) A transportation, utility, communication, or other use that is:
- 4174 1. required under state or federal law to be located in a specific place,
- 4175 or;
- 4176 2. is authorized to be located in a specific place under a state or
- 4177 federal law that specifically preempts the requirement of a
- 4178 conditional use permit.

4179 (3) Conditional uses.

4180 The following uses require a Conditional Use Permit in this district:

- 4181 (a) Agricultural Accessory Uses: In addition to other requirements of this
- 4182 ordinance, the following uses must meet the definition of an
- 4183 agricultural accessory use under [s. 10.004\(12\)](#).
- 4184 1. Agricultural entertainment activities or special events occurring 10
- 4185 days or more per calendar year, in aggregate.
- 4186 2. Airports, landing strips or heliports for private aircraft owned by the
- 4187 owner or operator of a farm.
- 4188 3. Attached accessory dwelling units associated with a farm residence.
- 4189 4. Farm related exhibitions, sales or events such as auctions, dairy
- 4190 breakfasts, exhibitions of farm machinery and technology,
- 4191 agricultural association meetings and similar activities, occurring on
- 4192 more than ten days in a calendar year.
- 4193 5. Farm Residence, subject to [s. 10.103\(11\)](#).
- 4194 6. Limited Farm Business, subject to [s. 10.103\(13\)](#).
- 4195 7. Sale of agricultural and dairy products not produced on the premises
- 4196 and incidental sale of non-alcoholic beverages and snacks.
- 4197 8. Secondary farm residence, subject to [s. 10.103\(11\)](#).
- 4198 (b) Transportation, communications, pipeline, electric transmission, utility,
- 4199 or drainage uses, not listed as a permitted use above.
- 4200 (c) Non-metallic mineral extraction operations that comply with [s.](#)
- 4201 [91.46\(6\)](#), [Wis. Stats.](#), [s. 10.103\(15\)](#) and [Chapter 74](#).
- 4202 (d) Asphalt plants or ready-mix concrete plants, that comply with [s.](#)
- 4203 [91.46\(5\)](#), [Wis. Stats.](#), for production of material to be used in
- 4204 construction or maintenance of public roads, to be limited in time to
- 4205 project duration.
- 4206 (e) Electric generating facilities, provided 100% of the production output
- 4207 of the facility is derived from renewable energy resources.

4208 (4) Lot size requirements.

- 4209 (a) Minimum lot size. All lots created in the FP-35 zoning district must be
- 4210 at least thirty-five (35) acres in area, excluding public rights-of-way.
- 4211 (b) Maximum lot size. None.
- 4212 (c) Minimum lot width. None.

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(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.

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(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.

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(7) Lot coverage.

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

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(8) Other restrictions on buildings.

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

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- a. There is no limitation on the number of accessory buildings in the FP-35 district.
- b. 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.
- c. Sanitary fixtures are permitted in agricultural accessory buildings, however accessory buildings may not be used as living space.

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

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(1) Purpose.

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

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- (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.

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- 1. In appearance and operation permitted uses in the FP-B district are often indistinguishable from a farm.

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- 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.

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- 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:

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- 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.

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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;

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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.

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(3) Conditional uses.

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- (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) .

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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.

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- (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.

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- (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.

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- (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.

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

- 4432 (8) Other restrictions on buildings.
 4433 (a) Accessory buildings.
 4434 1. There is no limitation on the number of accessory buildings in the
 4435 FP-35 district.
 4436 2. Accessory buildings may be constructed on property without a
 4437 principal residence only if it is clearly related to a legitimate
 4438 agricultural or agricultural accessory use.
 4439 3. Sanitary fixtures are permitted in agricultural accessory buildings,
 4440 however accessory buildings may not be used as living space.
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4442 10.230. Rural Mixed-Use & Transitional Zoning Districts

4443 10.231. AT-35 (Agriculture Transition, 35 acres) Zoning District

4444 (1) Purpose.

4445 The AT-35 Agriculture Transition district is designed to:

- 4446 (a) Accommodate, for an unspecified period of time, a wide range of
 4447 agriculture and agricultural accessory uses, at various scales in areas
 4448 that are ultimately planned for either:
 4449 1. nonfarm urban or suburban development,
 4450 2. a long-term mixture of agricultural and residential uses, or
 4451 3. transition to a Farmland Preservation district.
 4452 (b) The district applies to such existing or proposed uses on properties
 4453 located outside of mapped agricultural preservation areas as shown in
 4454 the Dane County Farmland Preservation Plan.
 4455 (c) The AT-35 district accommodates as permitted uses all activities
 4456 typically associated with the primary production and harvesting of
 4457 crops, livestock, animal products or plant materials. Such uses may
 4458 involve noise, dust, odors, heavy equipment, use of chemicals and
 4459 long hours of operation.
 4460 (d) Allow for incidental processing, packaging, storage, transportation,
 4461 distribution or other activities intended to add value to agricultural
 4462 products produced on the premises or to ready such products for
 4463 market. Such uses are conditional as they may have the potential to
 4464 pose conflicts with agricultural use due to: volumes or speed of
 4465 vehicular traffic; residential density; proximity to incompatible uses;
 4466 environmental impacts; or consumption of agriculturally productive
 4467 lands.
 4468 (e) Allow for other incidental activities, compatible with agricultural use, to
 4469 supplement farm family income and support the agricultural
 4470 community.
 4471 (f) Reduce costs for providing services to scattered non-farm uses.
 4472 (g) Pace and shape urban growth.

4473 (2) Permitted uses

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- (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.

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- (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

- 4564 **b.** 50 feet from the side lot line of any parcel in any of the Rural
4565 Residential zoning districts, or
4566 **c.** At least 10 feet from any other side lot line.
4567 **d.** Accessory buildings not housing livestock must be at least 10
4568 feet from any side lot line.
4569 **(c)** Rear yard. Any permitted structures must be set back from rear
4570 property lines as follows:
4571 1. Principal residential buildings must be at least 50 feet from the rear
4572 lot line.
4573 2. Uncovered decks or porches attached to a principal residence must
4574 be at least 38 feet from the rear lot line.
4575 3. Structures housing livestock must be at least:
4576 **e.** 50 feet from the rear lot line of any parcel in any of the
4577 Residential, Rural Residential or Hamlet zoning districts, or
4578 **f.** 10 feet from any other rear lot line.
4579 4. Accessory buildings not housing livestock must be at least 10 feet
4580 from any rear lot line.

- 4581 **(6)** Building height.
4582 **(a)** Residential buildings.
4583 1. Principal residential buildings shall not exceed a height of two and a
4584 half stories or 35 feet.
4585 2. Residential accessory buildings shall not exceed a height of 35 feet.
4586 **(b)** Agricultural buildings. There is no limitation on height for agricultural
4587 buildings.

- 4588 **(7)** Lot coverage.
4589 There is no limitation on lot coverage in the AT-35 district.

- 4590 **(8)** Other restrictions on buildings.
4591 **(a)** Principal buildings. Except for secondary farm residences authorized
4592 by conditional use permit, no more than one principal building is
4593 permitted per lot.
4594 **(b)** Accessory buildings.
4595 1. There is no limitation on the number of accessory buildings in the
4596 AT-35 district.
4597 2. Accessory buildings may be constructed on property without a
4598 principal residence only if it is clearly related to a legitimate
4599 agricultural or agricultural accessory use.
4600 3. Sanitary fixtures are permitted in agricultural accessory buildings,
4601 however accessory buildings may not be used as living space.
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4603 10.232. AT-B (Agriculture Transition – Business) Zoning District

4604 (1) Purpose.

4605 The AT-B Agriculture Transition - Business District is designed to:

- 4606 (a) Accommodate, for an unspecified period of time, agricultural,
4607 agriculture accessory and agriculture-related uses in areas ultimately
4608 planned for nonfarm urban or rural development. The district applies
4609 to such existing or proposed uses on properties located outside of
4610 mapped agricultural preservation areas as shown in the Dane County
4611 Farmland Preservation Plan.
- 4612 (b) Provide for a wide range of agriculture, agricultural accessory and
4613 agriculture-related uses, at various scales with the minimum lot area
4614 necessary to accommodate the use. The AT-B district accommodates
4615 uses which are commercial or industrial in nature; are associated with
4616 agricultural production; require a rural location due to extensive land
4617 area needs or proximity of agricultural resources; and do not require
4618 urban services.
- 4619 (c) In appearance and operation permitted uses in the AT-B district are
4620 often indistinguishable from a farm.
- 4621 (d) Conditional uses are more clearly commercial or industrial in nature,
4622 and may involve facilities or processes that require a remote location
4623 distant from incompatible uses, proximity to agricultural products or
4624 suppliers and/or access to utility services or major transportation
4625 infrastructure.
- 4626 (e) Examples of activities in the AT-B district may include, but are not
4627 limited to, agricultural support services, value-added, or related
4628 businesses such as implement dealers; veterinary clinics; farm
4629 machinery repair shops; agricultural supply sales, marketing, storage,
4630 and distribution centers; plant and tree nurseries; and facilities for the
4631 processing of natural agricultural products or by-products, including
4632 fruits, vegetables, silage, or animal proteins. Such activities are
4633 characterized by:
- 4634 1. Wholesale or retail sales, and outdoor storage/display of agriculture-
4635 related equipment, inputs, and products;
 - 4636 2. Parking areas, outdoor lighting, and signage appropriate to the scale
4637 of use;
 - 4638 3. Small, medium, or large utilitarian structures/facilities/workshops,
4639 appropriate to the scale of use;
 - 4640 4. Low to moderate traffic volumes;
 - 4641 5. Noises, odors, dust, or other potential nuisances associated with
4642 agriculture-related production or processing.

4643 (2) Permitted uses.

4644 (a) Agricultural uses.

4645 (b) Agricultural Accessory Uses, except those uses listed as conditional
4646 uses and subject to the limitations and standards below.

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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.

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- (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).

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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.

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- (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.

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- (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.

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- (7) Lot coverage.

There is no limitation on lot coverage in the AT-B district.

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- (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.

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

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

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(1) Purpose.

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

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- (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.

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- (b) Such uses typically generate traffic, noise or other impacts similar to those produced by either a farm operation or a single-family residence.

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(2) Permitted uses.

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- (a) Agricultural uses. Livestock use must comply with Chapter NR 151, Subchapter II, Wisconsin Administrative Code.

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- (b) Agricultural Accessory Uses, except those uses listed as conditional uses in subd. (3) below, and subject to the following limitations and standards.

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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.

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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.

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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.

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- (c) Undeveloped natural resources and open space areas

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- (d) Single family residential

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- (e) Residential accessory buildings

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- (f) Incidental room rental

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- (g) Foster homes for less than five children

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- (h) Community living arrangements for fewer than 9 persons.

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- (i) Home occupations

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- (j) Utility services associated with, and accessory to, a permitted or conditional use

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

- 4824 1. required under state or federal law to be located in a specific place,
4825 or;
4826 2. is authorized to be located in a specific place under a state or
4827 federal law that specifically preempts the requirement of a
4828 conditional use permit.

4829 (3) Conditional uses.

- 4830 (a) Agricultural entertainment activities or special events occurring 10
4831 days or more per calendar year, in aggregate.
4832 (b) Attached accessory dwelling units
4833 (c) Community living arrangements for 9 or more persons.
4834 (d) Domestic pet animal boarding.
4835 (e) Electric generating facilities, provided 100% of the production output
4836 of the facility is derived from renewable energy resources.
4837 (f) Farm related exhibitions, sales or events such as auctions, dairy
4838 breakfasts, exhibitions of farm machinery and technology, agricultural
4839 association meetings and similar activities, occurring on more than
4840 five days in a calendar year.
4841 (g) Governmental, institutional, religious, or nonprofit community uses
4842 (h) Large animal boarding
4843 (i) Limited family business
4844 (j) Migrant farm labor camps certified under s. 103.92, Wis. Stats.
4845 (k) Recreational racetracks.
4846 (l) Sanitary facilities in agricultural accessory buildings.
4847 (m) Tourist or transient lodging
4848 (n) Transportation, communications, pipeline, electric transmission, utility,
4849 or drainage uses, not listed as a permitted use above.
4850 (o) Veterinary clinics.

4851 (4) Lot size requirements.

- 4852 (a) Minimum lot size. All lots created in the RM-8 zoning district must be
4853 at least 8 acres in area, excluding public rights-of-way.
4854 (b) Maximum lot size. All lots created in the RM-8 zoning district must be
4855 smaller than 16 acres in area, excluding public rights-of-way.
4856 (c) Minimum lot width. All lots created in the RM-8 zoning district must
4857 have a minimum lot width of 100 feet.

4858 (5) Setbacks and required yards.

- 4859 (a) Front yard. Any permitted structure must comply with road setbacks
4860 as described in s. 10.102(9).
4861 (b) Side yards. Any permitted structures must be set back from side
4862 property lines as follows:
4863 1. Principal residential buildings must be at least 10 feet from any side
4864 lot line and a total of at least 25 feet from both side lot lines.
4865 2. Structures housing livestock must be at least:
4866 a. 100 feet from the side lot line of any parcel in any of the
4867 Residential or Hamlet zoning districts,

- 4868 **b.** 50 feet from the side lot line of any parcel in the any of the Rural
4869 Residential zoning districts, or
4870 **c.** 10 feet from any other side lot line.
4871 **3.** Accessory buildings not housing livestock must be at least 10 feet
4872 from any side lot line.
4873 **(c)** Rear yard. Any permitted structures must be set back from rear
4874 property lines as follows:
4875 **1.** Principal residential buildings must be at least 50 feet from the rear
4876 lot line.
4877 **2.** Uncovered decks or porches attached to a principal residence must
4878 be at least 38 feet from the rear lot line.
4879 **3.** Structures housing livestock must be at least:
4880 **a.** 100 feet from the rear lot line of any parcel in any of the
4881 Residential or Hamlet zoning districts,
4882 **b.** 50 feet from the rear lot line of any parcel in any of the Rural
4883 Residential zoning districts, or
4884 **c.** 10 feet from any other rear lot line.
4885 **4.** Accessory buildings not housing livestock must be at least 10 feet
4886 from any rear lot line.

- 4887 **(6)** Building height.
4888 **(a)** Residential buildings.
4889 **1.** Principal residential buildings shall not exceed a height of two and a
4890 half stories or 35 feet.
4891 **2.** Residential accessory buildings shall not exceed a height of 35 feet.
4892 **(b)** Agricultural buildings. There is no limitation on height for agricultural
4893 buildings.

- 4894 **(7)** Lot coverage.
4895 The total area of all buildings and structures must not exceed 10% of the total lot
4896 area, excluding public rights-of-way.

- 4897 **(8)** Other restrictions on buildings.
4898 **(a)** Principal buildings. No more than one principal building is permitted
4899 per lot.
4900 **(b)** Accessory buildings.
4901 **1.** There is no limitation on the number of accessory buildings in the
4902 RM-8 district.
4903 **2.** Except for agricultural accessory buildings or for property
4904 maintenance sheds specifically approved by conditional use permit,
4905 accessory buildings may not be constructed on a property without a
4906 principal residence.
4907 **3.** Sanitary fixtures are not permitted in agricultural accessory
4908 buildings, unless specifically authorized by an approved conditional
4909 use permit. Accessory buildings may not be used as living space.
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4911 10.234. RM-16 (Rural Mixed-Use, 16-35 acres) Zoning District

4912 (1) Purpose.

4913 The Rural Mixed-Use 16-acre (RM-16) district is designed to:

- 4914 (a) Provide for a mix of agriculture, residential, utility, extractive, limited
4915 business and accessory uses consistent with and appropriate to a
4916 rural setting, on medium-to-large parcels.
4917 (b) The RM-16 district accommodates uses which may require larger
4918 setbacks, buffers, berms or other siting standards to minimize conflicts
4919 with neighboring production agriculture or residential use, are typically
4920 found in a rural location and do not require urban services.
4921 (c) Such uses may generate moderate truck traffic, noise, dust or odors.

4922 (2) Permitted uses

- 4923 (a) Agricultural uses. Livestock use must comply with Chapter NR 151,
4924 Subchapter II, Wisconsin Administrative Code.
4925 (b) Agricultural Accessory Uses, except those uses listed as conditional
4926 uses in subd. (3) below, and subject to the following limitations and
4927 standards.
4928 1. Agricultural entertainment activities or special events under 10 days
4929 per calendar year in the aggregate, including incidental preparation
4930 and sale of beverages and food.
4931 2. Farm related exhibitions, sales or events such as auctions, dairy
4932 breakfasts, exhibitions of farm machinery and technology,
4933 agricultural association meetings and similar activities occurring on
4934 no more than five days in a calendar year.
4935 3. The seasonal storage of recreational equipment and motor vehicles
4936 owned by private individuals other than those residing on the
4937 premises, such storage to be in accessory farm buildings existing as
4938 of January 1, 2010. The storage of a dealer's inventory or the
4939 construction of any new buildings for storage is prohibited.
4940 (c) Undeveloped natural resources and open space areas
4941 (d) Single family residential
4942 (e) Residential accessory buildings
4943 (f) Incidental room rental
4944 (g) Foster homes for less than five children
4945 (h) Community living arrangements for fewer than 9 persons.
4946 (i) Home occupations
4947 (j) Utility services associated with, and accessory to, a permitted or
4948 conditional use
4949 (k) A transportation, utility, communication, or other use that is:
4950 1. required under state or federal law to be located in a specific place,
4951 or;
4952 2. is authorized to be located in a specific place under a state or
4953 federal law that specifically preempts the requirement of a
4954 conditional use permit.

- 4955 (3) Conditional uses
4956 (a) Agricultural entertainment activities or special events exceeding 10
4957 days per calendar year, in aggregate.
4958 (b) Airports, landing strips or heliports for private aircraft owned by the
4959 landowner.
4960 (c) Attached accessory dwelling units
4961 (d) Community living arrangements for 9 or more persons
4962 (e) Domestic pet animal boarding
4963 (f) Electric generating facilities, provided 100% of the production output
4964 of the facility is derived from renewable energy resources.
4965 (g) Farm related exhibitions, sales or events such as auctions, dairy
4966 breakfasts, exhibitions of farm machinery and technology, agricultural
4967 association meetings and similar activities, occurring on more than
4968 five days in a calendar year.
4969 (h) Governmental, institutional, religious, or nonprofit community uses
4970 (i) Large animal boarding
4971 (j) Limited family business
4972 (k) Migrant farm labor camps certified under s. 103.92, Wis. Stats.
4973 (l) Mineral extraction.
4974 (m) Recreational racetracks.
4975 (n) Sanitary facilities in agricultural accessory buildings
4976 (o) Temporary asphalt or concrete production.
4977 (p) Tourist and transient lodging
4978 (q) Transportation, communications, pipeline, electric transmission, utility,
4979 or drainage uses, not listed as a permitted use above.
4980 (r) Veterinary clinics.

- 4981 (4) Lot size requirements.
4982 (a) Minimum lot size. All lots created in the RM-16 zoning district must be
4983 at least 16 acres in area, excluding public rights-of-way.
4984 (b) Minimum lot width. All lots created in the RM-16 zoning district must
4985 have a minimum lot width of 100 feet.

- 4986 (5) Setbacks and required yards.
4987 (a) Front yard. Any permitted structure must comply with road setbacks
4988 as described in s. 10.102(9).
4989 (b) Side yards. Any permitted structures must be set back from side
4990 property lines as follows:
4991 1. Principal residential buildings must be at least 10 feet from any side
4992 lot line and a total of at least 25 feet from both side lot lines.
4993 2. Structures housing livestock must be at least:
4994 a. 100 feet from the side lot line of any parcel in any of the
4995 Residential zoning or Hamlet zoning districts,
4996 b. 50 feet from the side lot line of any parcel in any of the Rural
4997 Residential zoning districts, or
4998 c. At least 10 feet from any other side lot line.

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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.

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- (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.

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- (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.

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- (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, or for property maintenance sheds specifically approved by conditional use permit, 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.

5039 10.235. AT-5 (Agriculture Transition – 5 Acres) Zoning District

5040 (1) Applicability

5041 The AT-5 (Agriculture Transition – 5 Acres) Zoning District shall apply and be
5042 limited only to lands previously zoned in the A-1 Agriculture District (s.10.12)
5043 under the previous Dane County Zoning Ordinance.

5044 (2) Purpose.

- 5045 (a) The purpose of the AT-5 (Agriculture Transition – 5 Acres) district is to
5046 accommodate a mix of agricultural, open space, and residential uses
5047 in areas planned for future development, areas currently in agricultural
5048 or open space uses, or areas appropriate for long term preservation
5049 due to the presence of sensitive or unique environmental features.
5050 (b) This district applies only to lands in towns that historically did not
5051 adopt the county’s farmland preservation zoning districts. These areas
5052 have a unique land use history and pattern of development over time,
5053 traditional reliance on intergovernmental planning agreements, and
5054 continuing growth pressures.
5055 (c) This district serves as a transitional zoning designation to
5056 accommodate the platting and development of lands as they convert
5057 from agriculture and open space uses to residential uses.
5058 (d) Town boards with AT-5 zoning and Dane County will periodically
5059 review the status of lands that have been platted and developed to
5060 consider other appropriate zoning classifications based on the
5061 resulting land use and size of the property.

5062 (3) Permitted uses

- 5063 (a) Single family residential on lots of at least 25,000 square feet.
5064 (b) Residential accessory buildings.
5065 (c) Home occupations.
5066 (d) Foster care for less than 5 children.
5067 (e) Community living arrangements for less than 9 people.
5068 (f) Incidental room rental.
5069 (g) Agricultural uses on parcels of at least 5 acres in area. Livestock use
5070 must comply with Chapter NR 151, Subchapter II, Wisconsin
5071 Administrative Code.
5072 (h) Agricultural Accessory Uses, except those uses listed as conditional
5073 uses in subd. (4) below, and subject to the following limitations and
5074 standards. The minimum lot size shall be 5 acres.
5075 1. Agricultural accessory buildings. One agricultural accessory building
5076 may be constructed on a property without a principal residence.
5077 2. Agricultural entertainment activities or special events under 10 days
5078 per calendar year in the aggregate, including incidental preparation
5079 and sale of beverages and food.
5080 3. Farm related exhibitions, sales or events such as auctions, dairy
5081 breakfasts, exhibitions of farm machinery and technology,

- 5082 agricultural association meetings and similar activities under 10 days
 5083 per calendar year in the aggregate.
- 5084 4. The seasonal storage of recreational equipment and motor vehicles
 5085 owned by private individuals other than those residing on the
 5086 premises, such storage to be in accessory farm buildings existing as
 5087 of January 1, 2010. The storage of a dealer's inventory or the
 5088 construction of any new buildings for storage is prohibited.
- 5089 5. Sales of agricultural products produced on the premises.
- 5090 (i) Undeveloped natural resource and open space areas.
- 5091 (j) Utility services associated with, and accessory to, a permitted or
 5092 conditional use.
- 5093 (k) A transportation, utility, communication, or other use that is:
- 5094 1. required under state or federal law to be located in a specific place,
 5095 or;
- 5096 2. is authorized to be located in a specific place under a state or
 5097 federal law that specifically preempts the requirement of a
 5098 conditional use permit.

- 5099 (4) Conditional uses.
- 5100 (a) Attached accessory dwelling units.
- 5101 (b) Cemeteries.
- 5102 (c) Day care centers.
- 5103 (d) Domestic pet animal boarding. A minimum lot size of 5 acres is
 5104 required for this conditional use.
- 5105 (e) Limited Family Business. A minimum lot size of 1 acre is required for
 5106 this conditional use.
- 5107 (f) Transient or tourist lodging.
- 5108 (g) Agricultural Accessory Uses. In addition to other requirements of this
 5109 ordinance, the following uses must meet the definition of an
 5110 agricultural accessory use under s. 10.004(12), and must be on
 5111 parcels of at least 5 acres in area.
- 5112 1. Agricultural entertainment activities or special events occurring 10
 5113 days or more per calendar year, in aggregate.
- 5114 2. Airports, landing strips or heliports for private aircraft owned by the
 5115 owner or operator of a farm.
- 5116 3. Farm related exhibitions, sales or events such as auctions, dairy
 5117 breakfasts, exhibitions of farm machinery and technology,
 5118 agricultural association meetings and similar activities, occurring 10
 5119 days or more per calendar year, in aggregate.
- 5120 4. Limited farm business.
- 5121 5. Large animal boarding.
- 5122 6. Sale of agricultural and dairy products not produced on the premises
 5123 and incidental sale of non-alcoholic beverages and snacks.
- 5124 7. Sanitary facilities in agricultural accessory buildings.
- 5125 (h) Communication towers.
- 5126 (i) Governmental, institutional, religious, or nonprofit community uses.
- 5127 (j) Transportation, communications, pipeline, electric transmission, utility,

- 5128 or drainage uses, not listed as a permitted use above.
- 5129 **(k)** Non-metallic mineral extraction operations that comply with s.
- 5130 91.46(6), Wis. Stats., s. 10.103(15) and Chapter 74. A minimum lot
- 5131 size of 16 acres is required for this conditional use.
- 5132 **(l)** Asphalt plants or ready-mix concrete plants, that comply with s.
- 5133 91.46(5), Wis. Stats., for production of material to be used in
- 5134 construction or maintenance of public roads, to be limited in time to
- 5135 project duration. A minimum lot size of 16 acres is required for this
- 5136 conditional use.
- 5137 **(m)** Electric generating facilities, provided 100% of the production
- 5138 output of the facility is derived from renewable energy resources. A
- 5139 minimum lot size of 1 acre is required for this conditional use.
- 5140 **(n)** Native wildlife rehabilitation facilities.

5141 **(5) Lot size requirements.**

5142 Minimum lot size requirements differ based on the land use as specified below

5143 and elsewhere in this section. Note: the maximum density of development is

5144 controlled by county and local town ordinances. The maximum density of

5145 development shall not exceed the more restrictive ordinance.

- 5146 **(a)** Minimum lot size – residential or open space uses. The minimum lot
- 5147 size shall be at least 25,000 square feet in area, excluding public
- 5148 rights-of-way.
- 5149 **(b)** Minimum lot size – renewable energy electric generating facilities,
- 5150 limited family businesses. The minimum lot size shall be at least 1
- 5151 acre, excluding public rights-of-way.
- 5152 **(c)** Minimum lot size – agricultural and agricultural accessory uses,
- 5153 seasonal storage of recreational equipment, domestic pet animal
- 5154 boarding, and sanitary facilities in agricultural accessory buildings.
- 5155 The minimum lot size shall be at least 5 acres, excluding public rights-
- 5156 of-way.
- 5157 **(d)** Minimum lot size – Non-metallic mineral extraction operations,
- 5158 asphalt plants or ready-mix concrete plants, and large animal
- 5159 boarding. The minimum lot size shall be at least 16 acres, excluding
- 5160 public rights-of-way.
- 5161 **(e)** Maximum lot size. None.
- 5162 **(f)** Minimum lot width – Agricultural uses: 250 feet width at location of
- 5163 agricultural accessory building.
- 5164 **(g)** Minimum lot width – Residential uses: 90 feet at building setback line.

5165 **(6) Setbacks.**

- 5166 **(a)** Front yard. Any permitted structure must comply with road setbacks
- 5167 as described in s. 10.102(9).
- 5168 **(b)** Side yards.
- 5169 1. Except as exempted in 2 below, all principal and accessory buildings
- 5170 must be at least 10 feet from any one side lot line with a total of at
- 5171 least 25 feet from both side lot lines.

- 5172 2. Accessory buildings in the rear yard that are at least 10 feet from the
- 5173 principal residence must be at least:
- 5174 a. 4 feet from any side lot line on lots 90 feet or more in width, or
- 5175 b. 2.5 feet from any side lot line on lots less than 90 feet in width
- 5176 3. Structures housing livestock must be at least:
- 5177 a. 100 feet from the side lot line of any parcel in any of the
- 5178 Residential or Hamlet zoning districts
- 5179 b. 50 feet from the side lot line of any parcel in any of the Rural
- 5180 Residential zoning districts, or
- 5181 c. At least 10 feet from any other side lot line.
- 5182 (c) Rear yard. Any permitted structures must be set back from rear
- 5183 property lines as follows:
- 5184 1. Principal residential buildings must be at least 50 feet from the rear
- 5185 lot line.
- 5186 2. Uncovered decks or porches attached to a principal residence must
- 5187 be at least 38 feet from the rear lot line.
- 5188 3. Except as detailed in 4 and 5 below, accessory buildings must be at
- 5189 least 10 feet from the rear lot line.
- 5190 4. Accessory buildings in the rear yard that are at least 10 feet from the
- 5191 principal residence must be at least:
- 5192 a. 4 feet from any rear lot line on lots 90 feet or more in width, or
- 5193 b. 2.5 feet from any rear lot line on lots less than 90 feet in width.
- 5194 5. Structures housing livestock must be at least:
- 5195 a. 100 feet from the rear lot line of any parcel in any of the
- 5196 Residential or Hamlet zoning districts
- 5197 b. 50 feet from the rear lot line of any parcel in any of the Rural
- 5198 Residential zoning district, or
- 5199 c. 10 feet from any other rear lot line.

- 5200 (7) Building height.
- 5201 (a) Residential buildings.
- 5202 1. Principal residential buildings shall not exceed a height of two and a
- 5203 half stories or 35 feet.
- 5204 2. Residential accessory buildings shall not exceed a height of 16 feet.
- 5205 (b) Agricultural buildings. There is no limitation on height for agricultural
- 5206 buildings.

- 5207 (8) Lot coverage.
- 5208 (a) On parcels less than 2 acres in size, no building together with its
- 5209 accessory buildings shall occupy in excess of thirty percent (30%) of
- 5210 the area of an interior lot or thirty-five percent (35%) of the area of a
- 5211 corner lot.
- 5212 (b) On parcels over 2 acres in size, no building together with its
- 5213 accessory buildings shall occupy in excess of ten percent (10%) of the
- 5214 area of a lot.

- 5215 (9) Other restrictions on buildings.

- 5216 (a) Principal buildings. There shall be no more than one principal building
 5217 permitted per lot.
 5218 (b) Accessory buildings.
 5219 1. There is no limitation on the number of agricultural accessory
 5220 buildings in the AT-5 district.
 5221 2. One agricultural accessory building may be constructed on property
 5222 without a principal residence only if it is clearly related to a legitimate
 5223 agricultural or agricultural accessory use.
 5224 3. Except as specifically approved by conditional use permit, accessory
 5225 buildings cannot have sanitary facilities. Accessory buildings cannot
 5226 be used for human habitation.
 5227

5228 10.240. Rural Residential Zoning Districts

5229 10.241. RR-1 (Rural Residential, 1 to 2 acres) Zoning District

5230 (1) Purpose.

5231 The Rural Residential 1 district is designed to:

- 5232 (a) Provide for single-family residential principal uses and a variety of
 5233 accessory or ancillary uses, including small-scale farming, appropriate
 5234 to a rural setting, on relatively small parcels. The RR-1 district
 5235 accommodates uses which are compatible with both residential and
 5236 farming practices, are typically found in a rural location and do not
 5237 require urban services.
 5238 (b) Such uses typically generate traffic, noise or other impacts similar to
 5239 those produced by a single-family residence.

5240 (2) Permitted uses

- 5241 (a) Undeveloped natural resource and open space areas.
 5242 (b) Small-scale farming
 5243 (c) Single family residential
 5244 (d) Residential accessory buildings
 5245 (e) Home occupations
 5246 (f) Incidental room rental
 5247 (g) Foster homes for less than five children
 5248 (h) Community living arrangements for fewer than 9 persons.
 5249 (i) Utility services associated with, and accessory to, a permitted or
 5250 conditional use
 5251 (j) A transportation, utility, communication, or other use that is:
 5252 1. required under state or federal law to be located in a specific place,
 5253 or;
 5254 2. is authorized to be located in a specific place under a state or
 5255 federal law that specifically preempts the requirement of a
 5256 conditional use permit.

- 5257 (3) Conditional uses.
5258 (a) Attached accessory dwelling units
5259 (b) Limited family business
5260 (c) Day care centers
5261 (d) Community living arrangements for nine (9) or more persons.
5262 (e) Governmental, institutional, religious, or nonprofit community uses
5263 (f) Transient or Tourist Lodging
5264 (g) Transportation, communications, pipeline, electric transmission, utility,
5265 or drainage uses, not listed as a permitted use above.

- 5266 (4) Lot size requirements.
5267 (a) Minimum lot size. All lots created in the RR-1 zoning district must be
5268 at least 1 acre in area, excluding public rights-of-way.
5269 (b) Maximum lot size. All lots created in the RR-1 zoning district must be
5270 smaller than 2 acres in area, excluding public rights-of-way.
5271 (c) Minimum lot width. All lots created in the RR-1 zoning district must
5272 have a minimum lot width of 100 feet.

- 5273 (5) Setbacks and required yards.
5274 (a) Front yard. Any permitted structure must comply with road setbacks
5275 as described in s. 10.102(9).
5276 (b) Side yard.
5277 1. Permitted residences must be at least a total of 25 feet from both
5278 side lot lines, and not less than 10 feet from any one side lot line.
5279 2. Accessory buildings housing livestock must be at least:
5280 a. 50 feet from the side lot line of any parcel in any of the
5281 Residential, Rural Residential or Hamlet zoning districts, or
5282 b. 10 feet from any other side lot line.
5283 3. Accessory buildings not housing livestock must be at least 10 feet
5284 from any side lot line.
5285 (c) Rear yard.
5286 1. Permitted residences must be at least 50 feet from the rear lot line.
5287 2. Uncovered decks and porches attached to a permitted residence
5288 must be at least 38 feet from the rear lot line.
5289 3. Accessory buildings housing livestock, must be at least:
5290 a. 50 feet from the rear lot line of any parcel in any of the
5291 Residential, Rural Residential or Hamlet zoning districts, or
5292 b. 10 feet from any other rear lot line.
5293 4. Accessory buildings not housing livestock must be at least 10 feet
5294 from the rear lot line.

- 5295 (6) Building height.
5296 (a) Residential buildings.
5297 1. Principal residential buildings shall not exceed a height of two and a
5298 half stories or 35 feet.
5299 2. Residential accessory buildings shall not exceed a height of 16 feet.
5300 (b) Agricultural buildings. There is no limitation on height for agricultural

5301 buildings.

5302 (7) Lot coverage.

5303 The total area of all buildings and structures must not exceed 30% of the total lot

5304 area, or 35% for corner lots, excluding public rights-of-way.

5305

5306 10.242. RR-2 (Rural Residential, 2 to 4 acres) Zoning District

5307 (1) Purpose.

5308 The Rural Residential 2 district is designed to:

5309 (a) Provide for single-family residential principal uses and a variety of

5310 accessory or ancillary uses, including small-scale farming, appropriate

5311 to a rural setting, on compact parcels. The RR-2 district

5312 accommodates uses which are compatible with both residential and

5313 farming practices, are typically found in a rural location and do not

5314 require urban services.

5315 (b) Such uses typically generate traffic, noise or other impacts similar to

5316 those produced by a single-family residence.

5317 (2) Permitted uses

5318 (a) Undeveloped natural resource and open space areas.

5319 (b) Small-scale farming

5320 (c) Single family residential

5321 (d) Residential accessory buildings

5322 (e) Home occupations

5323 (f) Foster homes for less than five children.

5324 (g) Community living arrangements for fewer than 9 persons.

5325 (h) Incidental room rental

5326 (i) Utility services associated with, and accessory to, a permitted or

5327 conditional use

5328 (j) A transportation, utility, communication, or other use that is:

5329 1. required under state or federal law to be located in a specific place,

5330 or;

5331 2. is authorized to be located in a specific place under a state or

5332 federal law that specifically preempts the requirement of a

5333 conditional use permit.

5334 (3) Conditional uses.

5335 (a) Attached accessory dwelling units

5336 (b) Animal use exceeding one animal unit per acre

5337 (c) Limited family business

5338 (d) Day Care Centers

5339 (e) Community living arrangements for nine (9) or more persons.

5340 (f) Governmental, institutional, religious, or nonprofit community uses

5341 (g) Transient or Tourist Lodging

5342 (h) Transportation, communications, pipeline, electric transmission, utility,
5343 or drainage uses, not listed as a permitted use above.

5344 (4) Lot size requirements.

5345 (a) Minimum lot size. All lots created in the RR-2 zoning district must be
5346 at least 2 acres in area, excluding public rights-of-way.

5347 (b) Maximum lot size. All lots created in the RR-2 zoning district must be
5348 smaller than 4 acres in area, excluding public rights-of-way.

5349 (c) Minimum lot width. All lots created in the RR-2 zoning district must
5350 have a minimum lot width of 100 feet.

5351 (5) Setbacks and required yards.

5352 (a) Front yard. Any permitted structure must comply with road setbacks
5353 as described in s. 10.102(9).

5354 (b) Side yard.

5355 1. Permitted residences must be at least a total of 25 feet from both
5356 side lot lines, and not less than 10 feet from any one side lot line.

5357 2. Accessory buildings housing livestock must be at least:

5358 a. 50 feet from the side lot line of any parcel in any of the
5359 Residential, Rural Residential or Hamlet zoning districts, or

5360 b. 10 feet from any other side lot line.

5361 3. Accessory buildings not housing livestock must be at least 10 feet
5362 from any side lot line.

5363 (c) Rear yard.

5364 1. Permitted residences must be at least 50 feet from the rear lot line.

5365 2. Uncovered decks and porches attached to a permitted residence
5366 must be at least 38 feet from the rear lot line.

5367 3. Accessory buildings housing livestock, must be at least:

5368 a. 50 feet from the rear lot line of any parcel in any of the

5369 Residential, Rural Residential or Hamlet zoning districts, or

5370 b. 10 feet from any other rear lot line.

5371 4. Accessory buildings not housing livestock must be at least 10 feet
5372 from the rear lot line.

5373 (6) Building height.

5374 (a) Residential buildings.

5375 1. Principal residential buildings shall not exceed a height of two and a
5376 half stories or 35 feet.

5377 2. Residential accessory buildings shall not exceed a height of 35 feet.

5378 (b) Agricultural buildings. There is no limitation on height for agricultural
5379 buildings.

5380 (7) Lot coverage.

5381 The total area of all buildings and structures must not exceed 10% of the total lot
5382 area, excluding public rights-of-way.

5383

5384 10.243. RR-4 (Rural Residential, 4 to 8 acres) Zoning District

5385 (1) Purpose.

5386 The Rural Residential 4 district is designed to:

- 5387 (a) Provide for single-family residential principal uses and a variety of
5388 accessory or ancillary uses, including small-scale farming, appropriate
5389 to a rural setting, on moderately-sized parcels. The RR-4 district
5390 accommodates uses which are compatible with both residential and
5391 farming practices, are typically found in a rural location and do not
5392 require urban services.
5393 (b) Such uses typically generate traffic, noise or other impacts similar to
5394 those produced by a single-family residence.

5395 (2) Permitted uses

- 5396 (a) Undeveloped natural resource and open space areas.
5397 (b) Small-scale farming
5398 (c) Single family residential
5399 (d) Residential accessory buildings
5400 (e) Home occupations
5401 (f) Foster homes for less than five children
5402 (g) Community living arrangements for fewer than 9 persons.
5403 (h) Incidental room rental
5404 (i) Utility services associated with, and accessory to, a permitted or
5405 conditional use
5406 (j) A transportation, utility, communication, or other use that is:
5407 1. required under state or federal law to be located in a specific place,
5408 or;
5409 2. is authorized to be located in a specific place under a state or
5410 federal law that specifically preempts the requirement of a
5411 conditional use permit.

5412 (3) Conditional uses.

- 5413 (a) Attached accessory dwelling units
5414 (b) Animal use exceeding one animal unit per acre
5415 (c) Limited family business
5416 (d) Day Care Centers
5417 (e) Community living arrangements for nine (9) or more persons.
5418 (f) Governmental, institutional, religious, or nonprofit community uses
5419 (g) Transient or Tourist Lodging
5420 (h) Transportation, communications, pipeline, electric transmission, utility,
5421 or drainage uses, not listed as a permitted use above.

5422 (4) Lot size requirements.

- 5423 (a) Minimum lot size. All lots created in the RR-4 zoning district must be
5424 at least 4 acres in area, excluding public rights-of-way.
5425 (b) Maximum lot size. All lots created in the RR-4 zoning district must be
5426 smaller than 8 acres in area, excluding public rights-of-way.

5427
5428

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

5429

(5) Setbacks and required yards.

5430

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

5431

(b) Side yard.

5432

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.

5433

2. Accessory buildings housing livestock must be at least:

5434

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

5435

b. 10 feet from any other side lot line.

5436

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

5437

5438

5439

5440

(c) Rear yard.

5441

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

5442

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

5443

5444

3. Accessory buildings housing livestock, must be at least:

5445

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

5446

5447

b. 10 feet from any other rear lot line.

5448

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

5449

5450

5451

(6) Building height.

5452

(a) Residential buildings.

5453

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

5454

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

5455

5456

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

5457

5458

(7) Lot coverage.

5459

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

5460

5461

5462 10.244. RR-8 (Rural Residential, 8 to 16 acres) Zoning District

5463 (1) Purpose.

5464 The Rural Residential 8 district is designed to:

- 5465 (a) Provide for single-family residential principal uses and a variety of
5466 accessory or ancillary uses, including small-scale farming, appropriate
5467 to a rural setting, on relatively large residential parcels. The RR-8
5468 district accommodates uses which are compatible with both
5469 residential and farming practices, are typically found in a rural location
5470 and do not require urban services.
5471 (b) Such uses typically generate traffic, noise or other impacts similar to
5472 those produced by a single-family residence.

5473 (2) Permitted uses.

- 5474 (a) Undeveloped natural resource and open space areas.
5475 (b) Small-scale farming
5476 (c) Single family residential
5477 (d) Residential accessory buildings
5478 (e) Home occupations
5479 (f) Foster homes for less than five children
5480 (g) Community living arrangements for fewer than 9 persons.
5481 (h) Incidental room rental
5482 (i) Utility services associated with, and accessory to, a permitted or
5483 conditional use
5484 (j) A transportation, utility, communication, or other use that is:
5485 1. required under state or federal law to be located in a specific place,
5486 or;
5487 2. is authorized to be located in a specific place under a state or
5488 federal law that specifically preempts the requirement of a
5489 conditional use permit.

5490 (3) Conditional uses.

- 5491 (a) Attached accessory dwelling units
5492 (b) Animal use exceeding one animal unit per acre
5493 (c) Limited family business
5494 (d) Day Care Centers
5495 (e) Community living arrangements for nine (9) or more persons.
5496 (f) Governmental, institutional, religious, or nonprofit community uses
5497 (g) Property maintenance sheds.
5498 (h) Transient or Tourist Lodging
5499 (i) Transportation, communications, pipeline, electric transmission, utility,
5500 or drainage uses, not listed as a permitted use above.

5501 (4) Lot size requirements.

- 5502 (a) Minimum lot size. All lots created in the RR-8 zoning district must be
5503 at least 8 acres in area, excluding public rights-of-way.
5504 (b) Maximum lot size. All lots created in the RR-8 zoning district must be

5505 smaller than 16 acres in area, excluding public rights-of-way.
5506 **(c)** Minimum lot width. All lots created in the RR-8 zoning district must
5507 have a minimum lot width of 100 feet.

5508 (5) Setbacks and required yards.

5509 **(a)** Front yard. Any permitted structure must comply with road setbacks
5510 as described in s. 10.102(9).

5511 **(b)** Side yard.

5512 1. Permitted residences must be at least a total of 25 feet from both
5513 side lot lines, and not less than 10 feet from any one side lot line.

5514 2. Accessory buildings housing livestock must be at least:

5515 a. 50 feet from the side lot line of any parcel in any of the

5516 Residential, Rural Residential or Hamlet zoning districts, or

5517 b. 10 feet from any other side lot line.

5518 3. Accessory buildings not housing livestock must be at least 10 feet
5519 from any side lot line.

5520 **(c)** Rear yard.

5521 1. Permitted residences must be at least 50 feet from the rear lot line.

5522 2. Uncovered decks and porches attached to a permitted residence
5523 must be at least 38 feet from the rear lot line.

5524 3. Accessory buildings housing livestock, must be at least:

5525 a. 50 feet from the rear lot line of any parcel in any of the

5526 Residential, Rural Residential or Hamlet zoning districts, or

5527 b. 10 feet from any other rear lot line.

5528 4. Accessory buildings not housing livestock must be at least 10 feet
5529 from the rear lot line.

5530 (6) Building height.

5531 **(a)** Residential buildings.

5532 1. Principal residential buildings shall not exceed a height of two and a
5533 half stories or 35 feet.

5534 2. Residential accessory buildings shall not exceed a height of 35 feet.

5535 **(b)** Agricultural buildings. There is no limitation on height for agricultural
5536 buildings.

5537 (7) Lot coverage.

5538 The total area of all buildings and structures must not exceed 10% of the total lot
5539 area, excluding public rights-of-way.

5540

- 5541 10.250. Residential Zoning Districts
- 5542 10.251. SFR-08 (Single-Family Residential, small lots) Zoning District
- 5543 (1) Purpose.
- 5544 The Single Family Residential 08 district is designed to:
- 5545 (a) Provide for single-family residential principal uses, compatible home
- 5546 occupations, and residential accessory buildings, appropriate to a
- 5547 compact neighborhood setting, on relatively small parcels. The SFR-
- 5548 08 district accommodates uses which are compatible with residential
- 5549 uses, are typically found in a suburban or residential neighborhood
- 5550 and may or may not be on public sewer.
- 5551 (b) Such uses typically generate traffic, noise or other impacts similar to
- 5552 those produced by a single-family residence.
- 5553 (2) Permitted uses.
- 5554 (a) Undeveloped natural resource and open space areas.
- 5555 (b) Agricultural uses, except as listed below, lawfully existing as of
- 5556 December 31, 2015.
- 5557 1. Exceptions. Livestock uses lawfully existing as of December 31,
- 5558 2015, shall be considered a nonconforming use under s.
- 5559 10.102(7)(b).
- 5560 (c) Single family residential
- 5561 (d) Residential accessory buildings up to 12 feet in height
- 5562 (e) Domestic fowl and beekeeping
- 5563 (f) Foster homes for less than five children
- 5564 (g) Community living arrangements for fewer than 9 persons.
- 5565 (h) Home occupations
- 5566 (i) Incidental room rental
- 5567 (j) Undeveloped natural resource and open space use.
- 5568 (k) Utility services associated with, and accessory to, a permitted or
- 5569 conditional use
- 5570 (l) A transportation, utility, communication, or other use that is:
- 5571 1. required under state or federal law to be located in a specific place,
- 5572 or;
- 5573 2. is authorized to be located in a specific place under a state or
- 5574 federal law that specifically preempts the requirement of a
- 5575 conditional use permit.
- 5576 (3) Conditional uses.
- 5577 (a) Accessory buildings between 12 and 16 feet in height.
- 5578 (b) Attached accessory dwelling units
- 5579 (c) Community living arrangements for nine (9) or more persons.
- 5580 (d) Day Care Centers
- 5581 (e) Governmental, institutional, religious, or nonprofit community uses
- 5582 (f) Transient or tourist lodging
- 5583 (g) Transportation, communications, pipeline, electric transmission, utility,

5584

or drainage uses, not listed as a permitted use above.

5585

(4) Lot dimensions.

5586

(a) Lots on public sewer.

5587

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

5588

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

5589

5590

(b) Lots not on public sewer.

5591

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

5592

5593

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

5594

(5) Setbacks and required yards.

5595

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

5596

5597

(b) Side yard.

5598

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

5599

5600

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

5601

5602

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

5603

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

5604

(c) Rear yard.

5605

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

5606

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

5607

5608

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

5609

5610

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

5611

5612

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

5613

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

5614

(6) Building height.

5615

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

5616

5617

(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.

5618

5619

5620

(7) Lot coverage and building area.

5621

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

5622

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

5623

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

5624

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

5625

5626

5627 10.252. SFR-1 (Single-Family Residential, 1 to 2 acres) Zoning District

5628 (1) Purpose.

5629 The Single Family Residential 1 district is designed to:

- 5630 (a) Provide for single-family residential principal uses, compatible home
5631 occupations, and residential accessory buildings, appropriate to a
5632 suburban or rural subdivision setting, on lot sizes of one to two acres.
5633 The SFR-1 district accommodates uses which are compatible with
5634 residential uses, are typically found in a suburban neighborhood.
5635 (b) Such uses typically generate traffic, noise or other impacts similar to
5636 those produced by a single-family residence.

5637 (2) Permitted uses.

- 5638 (a) Undeveloped natural resource and open space areas.
5639 (b) Agricultural uses, except as listed below, lawfully existing as of
5640 December 31, 2015
5641 1. Exceptions. Livestock uses lawfully existing as of December 31,
5642 2015, shall be considered a nonconforming use under s.
5643 10.102(7)(b).
5644 (c) Single family residential
5645 (d) Residential accessory buildings
5646 (e) Domestic fowl and beekeeping
5647 (f) Home occupations
5648 (g) Foster homes for less than five children
5649 (h) Community living arrangements for fewer than 9 persons.
5650 (i) Incidental room rental
5651 (j) Utility services associated with, and accessory to, a permitted or
5652 conditional use
5653 (k) A transportation, utility, communication, or other use that is:
5654 1. required under state or federal law to be located in a specific place,
5655 or;
5656 2. is authorized to be located in a specific place under a state or
5657 federal law that specifically preempts the requirement of a
5658 conditional use permit.

5659 (3) Conditional uses.

- 5660 (a) Attached accessory dwelling units
5661 (b) Day Care Centers
5662 (c) Community living arrangements for nine (9) or more persons.
5663 (d) Governmental, institutional, religious, or nonprofit community uses
5664 (e) Transient or Tourist Lodging
5665 (f) Transportation, communications, pipeline, electric transmission, utility,
5666 or drainage uses, not listed as a permitted use above.

5667 (4) Lot dimensions.

- 5668 (a) Minimum lot size. All lots must be at least one acre in area, excluding
5669 public rights-of-way.

- 5670 **(b)** Minimum lot width. All lots must be at least 100 feet wide.
- 5671 **(5)** Setbacks and required yards.
- 5672 **(a)** Front yard. Any permitted structure must comply with road setbacks
5673 as described in s. 10.102(9).
- 5674 **(b)** Side yard.
- 5675 1. Except as exempted in 2 below, all principal and accessory buildings
5676 must be at least 10 feet from any one side lot line.
- 5677 2. Accessory buildings in the rear yard that are at least 10 feet from the
5678 principal residence must be at least:
- 5679 **a.** 4 feet from any side lot line on lots 60 feet or more in width, or
5680 **b.** 2.5 feet from any side lot line on lots less than 60 feet in width
- 5681 **(c)** Rear yard.
- 5682 1. Permitted residences must be at least 50 feet from the rear lot line.
- 5683 2. Uncovered decks and porches attached to a permitted residence
5684 must be at least 38 feet from the rear lot line.
- 5685 3. Except as exempted in 4 below, accessory buildings must be at
5686 least 10 feet from the rear lot line.
- 5687 4. Accessory buildings in the rear yard that are at least 10 feet from the
5688 principal residence must be at least:
- 5689 **a.** 4 feet from any rear lot line on lots 60 feet or more in width, or
5690 **b.** 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 5691 **(6)** Building height.
- 5692 **(a)** Principal buildings. Residential buildings shall not exceed two and a
5693 half stories or 35 feet in height.
- 5694 **(b)** Accessory buildings. Accessory buildings shall not exceed 16 feet in
5695 height.
- 5696 **(7)** Lot coverage and building area.
- 5697 **(a)** The total area of all buildings and structures must not exceed:
- 5698 1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
5699 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 5700 **(b)** Accessory buildings cannot exceed 100% of the area of the footprint
5701 of the principal building.
5702

- 5703 10.253. SFR-2 (Single-Family Residential, 2 to 4 acres) Zoning District
- 5704 (1) Purpose.
- 5705 The Single Family Residential 2 district is designed to:
- 5706 (a) Provide for single-family residential principal uses, compatible home
- 5707 occupations, and residential accessory buildings, appropriate to a
- 5708 suburban or rural subdivision setting, on lot sizes of two to four acres.
- 5709 The SFR-2 district accommodates uses which are compatible with
- 5710 residential uses, are typically found in a suburban neighborhood.
- 5711 (b) Such uses typically generate traffic, noise or other impacts similar to
- 5712 those produced by a single-family residence.
- 5713 (2) Permitted uses.
- 5714 (a) Undeveloped natural resource and open space areas.
- 5715 (b) Agricultural uses, except as listed below, lawfully existing as of
- 5716 December 31, 2015.
- 5717 1. Exceptions. Livestock uses lawfully existing as of December 31,
- 5718 2015, shall be considered a nonconforming use under s.
- 5719 10.102(7)(b).
- 5720 (c) Single family residential
- 5721 (d) Residential accessory buildings
- 5722 (e) Domestic fowl and beekeeping
- 5723 (f) Home occupations
- 5724 (g) Foster homes for less than five children
- 5725 (h) Community living arrangements for fewer than 9 persons.
- 5726 (i) Incidental room rental
- 5727 (j) Utility services associated with, and accessory to, a permitted or
- 5728 conditional use
- 5729 (k) A transportation, utility, communication, or other use that is:
- 5730 1. required under state or federal law to be located in a specific place,
- 5731 or;
- 5732 2. is authorized to be located in a specific place under a state or
- 5733 federal law that specifically preempts the requirement of a
- 5734 conditional use permit.
- 5735 (3) Conditional uses.
- 5736 (a) Attached accessory dwelling units
- 5737 (b) Day Care Centers
- 5738 (c) Community living arrangements for nine (9) or more persons.
- 5739 (d) Governmental, institutional, religious, or nonprofit community uses
- 5740 (e) Transient or Tourist Lodging
- 5741 (f) Transportation, communications, pipeline, electric transmission,
- 5742 utility, or drainage uses, not listed as a permitted use above.
- 5743 (4) Lot dimensions.
- 5744 (a) Minimum lot size. All lots must be at least two acres in area, excluding
- 5745 public rights-of-way.

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(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.

5779 10.254. TFR-08 (Two-Family Residential) Zoning District

5780 (1) Purpose.

5781 The Two Family Residential 08 district is designed to:

- 5782 (a) Provide for single-family or duplex residential principal uses,
5783 compatible home occupations, and residential accessory buildings,
5784 appropriate to a compact neighborhood setting, on relatively small
5785 parcels. The TFR-08 district accommodates uses which are
5786 compatible with residential uses, are typically found in a suburban or
5787 residential neighborhood and may or may not be on public sewer.
5788 (b) Such uses typically generate traffic, noise or other impacts similar to
5789 those produced by a single-family residence.

5790 (2) Permitted uses.

- 5791 (a) Undeveloped natural resource and open space areas.
5792 (b) Single family residential
5793 (c) Duplexes
5794 (d) Attached accessory dwelling units
5795 (e) Residential accessory buildings
5796 (f) Domestic fowl and beekeeping
5797 (g) Home occupations
5798 (h) Foster homes for less than five children
5799 (i) Community living arrangements for fewer than 9 persons.
5800 (j) Incidental room rental
5801 (k) Utility services associated with, and accessory to, a permitted or
5802 conditional use
5803 (l) A transportation, utility, communication, or other use that is:
5804 1. required under state or federal law to be located in a specific place,
5805 or;
5806 2. is authorized to be located in a specific place under a state or
5807 federal law that specifically preempts the requirement of a
5808 conditional use permit.

5809 (3) Conditional uses.

- 5810 (a) Accessory buildings between 12 and 16 feet in height.
5811 (b) Community living arrangements for nine (9) or more persons.
5812 (c) Day Care Centers
5813 (d) Detached accessory dwelling units
5814 (e) Governmental, institutional, religious, or nonprofit community uses
5815 (f) Transient or Tourist Lodging
5816 (g) Transportation, communications, pipeline, electric transmission, utility,
5817 or drainage uses, not listed as a permitted use above.

5818 (4) Lot dimensions.

- 5819 (a) Lots on public sewer.
5820 1. Minimum lot size. All lots must be at least 8,000 square feet in area,
5821 excluding public rights-of-way.

- 5822 2. Minimum lot width. All lots must be at least 60 feet wide.
- 5823 **(a)** Lots not on public sewer.
- 5824 1. Minimum lot size. All lots must be at least 20,000 square feet in
- 5825 area, excluding public rights-of-way.
- 5826 2. Minimum lot width. All lots must be at least 100 feet wide.
- 5827 **(5)** Setbacks and required yards.
- 5828 **(a)** Front yard. Any permitted structure must comply with road setbacks
- 5829 as described in s. 10.102(9).
- 5830 **(b)** Side yard.
- 5831 1. Except as exempted in 2 below, all principal and accessory buildings
- 5832 must be at least 10 feet from any one side lot line.
- 5833 2. Accessory buildings in the rear yard that are at least 10 feet from the
- 5834 principal residence must be at least:
- 5835 **a.** 4 feet from any side lot line on lots 60 feet or more in width, or
- 5836 **b.** 2.5 feet from any side lot line on lots less than 60 feet in width
- 5837 **(c)** Rear yard.
- 5838 1. Permitted residences must be at least 25 feet from the rear lot line.
- 5839 2. Uncovered decks and porches attached to a permitted residence
- 5840 must be at least 13 feet from the rear lot line.
- 5841 3. Except as exempted in 4 below, accessory buildings must be at
- 5842 least 10 feet from the rear lot line.
- 5843 4. Accessory buildings in the rear yard that are at least 10 feet from the
- 5844 principal residence must be at least:
- 5845 **a.** 4 feet from any rear lot line on lots 60 feet or more in width, or
- 5846 **b.** 2.5 feet from any rear lot line on lots less than 60 feet in width.
- 5847 **(6)** Building height.
- 5848 **(a)** Principal buildings. Residential buildings shall not exceed two and a
- 5849 half stories or 35 feet in height.
- 5850 **(b)** Accessory buildings. Unless under an approved conditional use
- 5851 permit under s. 10.254(3)(a), accessory buildings shall not exceed 12
- 5852 feet in height.
- 5853 **(7)** Lot coverage and building area.
- 5854 **(a)** The total area of all buildings and structures must not exceed:
- 5855 1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
- 5856 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
- 5857 **(b)** Accessory buildings cannot exceed 100% of the area of the footprint
- 5858 of the principal building.
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5862 10.255. MFR-08 (Multi-Family Residential) Zoning District

5863 (1) Purpose.

5864 The Multi-Family Residential 08 district is designed to:

- 5865 (a) Provide for single-family, duplex or multifamily residential principal
5866 uses, compatible home occupations, and residential accessory
5867 buildings, appropriate to a compact neighborhood setting, on relatively
5868 small parcels. The MFR-08 district accommodates uses which are
5869 compatible with residential uses, are typically found in a relatively
5870 dense neighborhood and may or may not be on public sewer.
5871 (b) Such uses typically generate traffic, noise or other impacts similar to
5872 those produced by a multi-family residence.

5873 (2) Permitted uses

- 5874 (a) Undeveloped natural resource and open space areas.
5875 (b) Single family residential
5876 (c) Attached or detached accessory dwelling units
5877 (d) Duplexes
5878 (e) Multiple family dwellings and condominiums
5879 (f) Residential accessory buildings
5880 (g) Foster homes for less than five children
5881 (h) Community living arrangements for any number of persons.
5882 (i) Incidental room rental
5883 (j) Transient or Tourist Lodging
5884 (k) Home occupations
5885 (l) Utility services associated with, and accessory to, a permitted or
5886 conditional use
5887 (m) A transportation, utility, communication, or other use that is:
5888 1. required under state or federal law to be located in a specific place,
5889 or;
5890 2. is authorized to be located in a specific place under a state or
5891 federal law that specifically preempts the requirement of a
5892 conditional use permit.

5893 (3) Conditional uses.

- 5894 (a) Accessory buildings between 12 and 16 feet in height.
5895 (b) Day Care Centers
5896 (c) Governmental, institutional, religious, or nonprofit community uses
5897 (d) Manufactured home communities, subject to s. 10.103(14)
5898 (e) Transportation, communications, pipeline, electric transmission, utility,
5899 or drainage uses, not listed as a permitted use above.

5900 (4) Lot dimensions.

- 5901 (a) Lots on public sewer.
5902 1. Minimum lot size. All lots must be at least 8,000 square feet in area,
5903 excluding public rights-of-way.
5904 2. Minimum lot width. All lots must be at least 60 feet wide.

- 5905 (b) Lots not on public sewer.
5906 1. Minimum lot size. All lots must be at least 20,000 square feet in
5907 area, excluding public rights-of-way.
5908 2. Minimum lot width. All lots must be at least 100 feet wide.
- 5909 (5) Setbacks and required yards.
5910 (a) Front yard.
5911 1. Any permitted structure must comply with road setbacks as
5912 described in s. 10.102(9)
5913 2. Multiple family dwelling buildings located in the interior of a complex
5914 shall provide a front yard of not less than 15 feet, each building shall
5915 be provided with its own front yard area irrespective of the yards
5916 required for other buildings.
5917 (b) Side yard.
5918 1. Except as exempted in 2 below, all principal and accessory buildings
5919 must be at least 10 feet from any one side lot line.
5920 2. Accessory buildings in the rear yard that are at least 10 feet from the
5921 principal residence must be at least:
5922 a. 4 feet from any side lot line on lots 60 feet or more in width, or
5923 b. 2.5 feet from any side lot line on lots less than 60 feet in width
5924 (c) Rear yard.
5925 1. Permitted residences must be at least 25 feet from the rear lot line.
5926 2. Uncovered decks and porches attached to a permitted residence
5927 must be at least 13 feet from the rear lot line.
5928 3. Except as exempted in 4 below, accessory buildings must be at
5929 least 10 feet from the rear lot line.
5930 4. Accessory buildings in the rear yard that are at least 10 feet from the
5931 principal residence must be at least:
5932 a. 4 feet from any rear lot line on lots 60 feet or more in width, or
5933 b. 2.5 feet from any rear lot line on lots less than 60 feet in
5934 width.
- 5935 (6) Building height.
5936 (a) Principal buildings. Residential buildings shall not exceed two and a
5937 half stories or 35 feet in height.
5938 (b) Accessory buildings. Unless under an approved conditional use
5939 permit under s. 10.255(3)(a), accessory buildings shall not exceed 12
5940 feet in height.
- 5941 (7) Lot coverage and building area.
5942 (a) The total area of all buildings and structures must not exceed:
5943 1. Interior lots: 35% of the total lot area, excluding public rights-of-way.
5944 2. Corner lots: 40% of the total lot area, excluding public rights-of-way.
5945 (b) Accessory buildings cannot exceed 100% of the area of the footprint
5946 of the principal building.

5947 10.260. Hamlet Zoning Districts

5948 (1) Principles of Traditional Neighborhood Design.

5949 The Hamlet Design zoning districts are intended to accommodate existing or new
5950 developments, or redevelopments that have the following characteristics:

- 5951 (a) Compact and walkable. Neighborhoods should be compact enough to
5952 encourage development of pedestrian connections and destinations
5953 without excluding automobiles.
- 5954 (b) A hierarchy of interconnected streets. Streets and roads function as a
5955 connected network, dispersing traffic and offering a variety of
5956 pedestrian and vehicular routes to any destination while connecting
5957 and integrating the neighborhood with surrounding communities.
- 5958 (c) An identifiable neighborhood/community center and edges. A center
5959 that includes public spaces—such as a square, green or important
5960 street intersection—and public buildings—such as a library, church or
5961 community center, transit stop and retail businesses—provides a civic
5962 focus and informal place of gathering; and edges that promote
5963 neighborhood identity.
- 5964 (d) A variety of housing choices within the same neighborhood. The
5965 neighborhood includes a variety of dwelling types so that younger and
5966 older people, singles and families, of varying income levels may find
5967 places to live.
- 5968 (e) A diverse mix of activities (residences, shops, schools, workplaces
5969 and parks, etc.) occur in proximity. Many activities of daily living
5970 should occur within walking distance, allowing independence to those
5971 who do not drive and adding to neighborhood vitality.
- 5972 (f) A range of transportation options. Streets are designed to promote the
5973 safe and efficient use by walkers, bikers, drivers and transit rider
- 5974 (g) Pedestrian-friendly. Features such as safe, attractive and comfortable
5975 streets and public spaces promote walking as a viable option to auto
5976 trips.
- 5977 (h) Open spaces, greens, parks, accessible and convenient to all.
5978 Significant cultural and environmental features are incorporated into
5979 the design of the development for the use, benefit, and enjoyment of
5980 the entire community. A range of parks, from tot-lots and village
5981 greens to ballfields and community gardens, are distributed within
5982 neighborhoods.
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5984 10.261. HAM-R (Hamlet Residential) Zoning District

5985 (1) Purpose.

5986 The HAM-R district is intended to accommodate new or existing development, or
5987 redevelopment, on relatively small lots, with buildings close to the street. It
5988 includes a mix of single-family, two-family and multifamily residential and civic
5989 uses in compact blocks laid out in a traditional grid pattern. Many older
5990 residential neighborhoods typify the characteristics of a HAM-R district.

5991 (2) Permitted uses.

- 5992 (a) Undeveloped natural resource and open space areas.
- 5993 (b) Single family residential
- 5994 (c) Duplexes
- 5995 (d) Attached accessory dwelling units
- 5996 (e) Residential accessory buildings
- 5997 (f) Foster homes for less than five children licensed under s. 48.62, Wis.
5998 Stats.
- 5999 (g) Home occupations
- 6000 (h) Domestic fowl and beekeeping
- 6001 (i) Incidental room rental.
- 6002 (j) Community living arrangements for less than nine persons.
- 6003 (k) Governmental, institutional, religious, or nonprofit community uses
- 6004 (l) Utility services associated with, and accessory to, a permitted or
6005 conditional use
- 6006 (m) Undeveloped natural resource and open space areas.
- 6007 (n) A transportation, utility, communication, or other use that is:
6008 1. required under state or federal law to be located in a specific place,
6009 or;
- 6010 2. is authorized to be located in a specific place under a state or
6011 federal law that specifically preempts the requirement of a
6012 conditional use permit.

6013 (3) Conditional uses.

- 6014 (a) Detached accessory dwelling units.
- 6015 (b) Multiple family dwellings and condominiums
- 6016 (c) Day care centers
- 6017 (d) Community living arrangements for more than nine persons.
- 6018 (e) Institutional residential
- 6019 (f) Principal buildings more than two and a half stories tall
- 6020 (g) Accessory buildings between 12 and 16 feet in height.
- 6021 (h) Limited family businesses
- 6022 (i) Reduction of side lot setback to less than 10 feet total.
- 6023 (j) Transportation, communications, pipeline, electric transmission, utility,
6024 or drainage uses, not listed as a permitted use above.

6025 (4) Lot dimensions.

- 6026 (a) Lots on public sewer.

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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.

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(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.

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(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.

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(7) Lot coverage.

The total building footprint of residential buildings and residential accessory buildings shall not exceed 60 percent of the lot area.

6069 10.262. HAM-M (Hamlet – Mixed-Use) Zoning District

6070 (1) Purpose.

6071 The HAM-M Hamlet-Mixed-Use District accommodates a variety of commercial
6072 activities in conjunction with civic open spaces and buildings. It is a denser, fully-
6073 mixed use part of a community. Within the HAM-M district, the predominant land
6074 and building use is commercial, but may include residential and workplace uses
6075 in deference to the purpose and character of local commercial activities. It is
6076 typically located along an important street. Many older traditional downtown or
6077 neighborhood commercial districts typify the characteristics of a HAM-M district.

6078 (2) Permitted uses

- 6079 (a) Undeveloped natural resource and open space areas.
- 6080 (b) Single family residential
- 6081 (c) Duplexes
- 6082 (d) Attached accessory dwelling units
- 6083 (e) Residential accessory buildings
- 6084 (f) Home occupations
- 6085 (g) Foster homes for less than five children licensed under s. 48.62, Wis.
6086 Stats.
- 6087 (h) Indoor Sales.
- 6088 (i) Incidental room rental
- 6089 (j) Community living arrangements for less than nine persons.
- 6090 (k) Personal or Professional Service
- 6091 (l) Office uses.
- 6092 (m) Governmental, institutional, religious, or nonprofit community uses.
- 6093 (n) Utility services associated with, and accessory to, a permitted or
6094 conditional use
- 6095 (o) Transient or Tourist Lodging
- 6096 (p) Active or passive recreational uses.
- 6097 (q) A transportation, utility, communication, or other use that is:
6098 1. required under state or federal law to be located in a specific place,
6099 or;
6100 2. is authorized to be located in a specific place under a state or
6101 federal law that specifically preempts the requirement of a
6102 conditional use permit.

6103 (3) Conditional Uses.

- 6104 (a) Detached accessory dwelling units.
- 6105 (b) Multiple family dwellings and condominiums
- 6106 (c) Institutional Residential
- 6107 (d) Automotive services.
- 6108 (e) Indoor entertainment or assembly
- 6109 (f) Outdoor entertainment
- 6110 (g) Limited family business
- 6111 (h) Principal commercial buildings which have more than four (4) stories,
6112 or more than 10,000 square feet of interior floor space devoted to

- 6113 business or commercial use.
- 6114 (i) Residential accessory buildings between 12 and 16 feet in height.
- 6115 (j) Reduction of side lot setback to less than 10 feet total.
- 6116 (k) Commercial Indoor Lodging.
- 6117 (l) Outdoor sales events
- 6118 (m) Day care centers
- 6119 (n) Community living arrangements for nine (9) or more persons.
- 6120 (o) Transportation, communications, pipeline, electric transmission, utility,
- 6121 or drainage uses, not listed as a permitted use above.

6122 (4) Lot dimensions.

- 6123 (a) Lots on public sewer.
 - 6124 1. Minimum lot size. All new lots must be at least 5,000 square feet in
 - 6125 area, excluding public rights-of-way.
 - 6126 2. Maximum lot size. All new lots must be smaller than 10,000 square
 - 6127 feet in area, excluding public rights of way.
 - 6128 3. Minimum lot width. All new lots must be at least 50 feet wide.
- 6129 (b) Lots not on public sewer.
 - 6130 4. Minimum lot size. All new lots must be at least 20,000 square feet in
 - 6131 area, excluding public rights-of-way.
 - 6132 5. Maximum lot size. All new lots must be smaller than one acre in
 - 6133 area, excluding public rights-of-way.
 - 6134 6. Minimum lot width. All new lots must be at least 100 feet wide.

6135 (5) Setbacks and required yards.

- 6136 (a) Front yard.
 - 6137 1. For newly created lots, or existing lots lacking an existing pattern of
 - 6138 development as described in 2., below, all new structures must be at
 - 6139 least 20 feet from the right-of-way line.
 - 6140 2. In lots or platted subdivisions created before (insert date) where a
 - 6141 building line shall have been established by the construction of
 - 6142 buildings on 30 percent of the lots in any one(1) block, such
 - 6143 established setback line shall be the setback for that block, but in no
 - 6144 event shall such setback be less than 5 feet.
- 6145 (b) Side yard. Unless exempted by conditional use permit:
 - 6146 1. All structures must be at least a total of 10 feet from both side lot
 - 6147 lines.
 - 6148 2. Structures may be built at a zero setback from one side lot line,
 - 6149 provided the setback from the opposite side lot line is at least 10
 - 6150 feet.
- 6151 (c) Rear yard.
 - 6152 1. Permitted residences must be at least 16 feet from the rear lot line.
 - 6153 2. Uncovered decks and porches attached to a permitted residence
 - 6154 must be at least 8 feet from the rear lot line.
 - 6155 3. Accessory buildings must be at least 6 feet from any rear lot line.

6156 (6) Building height and area limitations.

- 6157 (a) Commercial buildings. Unless authorized by conditional use permit,
6158 commercial buildings shall not exceed 10,000 square feet in total floor
6159 area and shall not exceed 70 feet in height or four and one-half (4 ½)
6160 stories, whichever is less.
6161 (b) Residential buildings.
6162 1. Principal buildings. Principal residential buildings shall not exceed
6163 35 feet in height or two and one-half (2-1/2) stories, whichever is
6164 less.
6165 2. Accessory residential buildings. Unless authorized by conditional
6166 use permit, residential accessory buildings shall not exceed 12
6167 feet in height.

6168 (7) Lot coverage.
6169 The total building footprint of commercial buildings, residential buildings and
6170 residential accessory buildings shall not exceed 60 percent of the lot area.
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6172 10.270. Commercial Zoning Districts

- 6173 (1) Provisions applicable to all Commercial Districts
6174 (a) Site plan. All petitions to rezone to any Commercial zoning district,
6175 and any application for a zoning permit or conditional use permit
6176 within an existing Commercial zoning district must be accompanied by
6177 an approved site plan as described in s. 10.101(6).
6178 (b) Off-street parking. Off-street parking shall be provided as required in
6179 s. 10.102(8).
6180 (c) Screening. For commercial uses within 100 feet of any residence,
6181 screening must be provided as required in s. 10.102(12).
6182 (d) Stormwater. The Zoning Administrator may not issue a zoning permit
6183 for any development in any commercial district until the Department of
6184 Land and Water Resources issues a Stormwater Management permit
6185 for the project under Chapter 14, Dane County Code.
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6187 10.271. LC (Limited Commercial) Zoning District

- 6188 (1) Purpose.
6189 (a) The Limited Commercial Zoning District is intended for small
6190 commercial uses that may need to locate in predominantly rural areas
6191 due to their often large service areas and their need for larger lot
6192 sizes. In appearance and operation, such uses are often similar to
6193 agricultural uses and are therefore more suitable to a rural area.
6194 (b) Such uses include, but are not limited to, contractor, transportation,
6195 building trades and landscaping operations, which may have
6196 1. Outdoor stockpiles of materials;

- 6197 2. Storage and maintenance of large construction or transportation
- 6198 equipment;
- 6199 3. Early morning activity, and;
- 6200 4. Large, utilitarian buildings.
- 6201 (c) Limited commercial uses:
- 6202 1. Have no retail sales;
- 6203 2. Do not create high traffic volume, and;
- 6204 3. Have limited outdoor lighting and signage.

- 6205 (2) Permitted Uses.
- 6206 (a) Agricultural accessory uses. Livestock is not permitted.
- 6207 (b) Agricultural uses. Livestock is not permitted.
- 6208 (c) Contractor, landscaping or building trade operations.
- 6209 (d) Indoor storage and repair.
- 6210 (e) Incidental Parking for employees, consistent with s. 10.102(8).
- 6211 (f) Office uses, the number on site employees is limited to no more than
- 6212 six (6).
- 6213 (g) Storage of no more than 12 total vehicles and pieces of construction
- 6214 equipment.
- 6215 (h) A transportation, utility, communication, or other use that is:
- 6216 1. required under state or federal law to be located in a specific place,
- 6217 or;
- 6218 2. is authorized to be located in a specific place under a state or
- 6219 federal law that specifically preempts the requirement of a
- 6220 conditional use permit.
- 6221 (i) Undeveloped natural resource and open space areas.
- 6222 (j) Utility services associated with, and accessory to, a permitted or
- 6223 conditional use.
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- 6225 (3) Conditional Uses.
- 6226 (a) Caretaker's residence.
- 6227 (b) Communication towers.
- 6228 (c) Governmental, institutional, religious, or nonprofit community uses
- 6229 (d) Light Industrial.
- 6230 (e) Outdoor Storage.
- 6231 (f) Storage of more than 12 total vehicles and pieces of construction
- 6232 equipment.
- 6233 (g) Transportation, communications, pipeline, electric transmission, utility,
- 6234 or drainage uses, not listed as a permitted use above.

- 6235 (4) Building height and area limitations.
- 6236 (a) Buildings shall not exceed 35 feet in height or two and one-half
- 6237 stories, whichever is less.
- 6238 (b) Commercial buildings shall not exceed 10,000 square feet in total
- 6239 floor area.

- 6240 (5) Lot dimensions.
6241 (c) Minimum lot area. Lots shall be not less than 20,000 square feet of lot
6242 area.
6243 (d) Maximum lot area. Lots shall not exceed 5 acres in area.
6244 (e) Minimum lot width. Lots must be at least 100 feet wide.

- 6245 (6) Setbacks and required yards.
6246 (a) Front yards. Construction equipment, vehicles, or material shall not be
6247 stored between the building setback line and the front lot line of any
6248 lot.
6249 (b) Side yards. The minimum width for any side yard shall not be less
6250 than 10 feet for any building.
6251 (c) Rear yards.
6252 1. For buildings used for commercial purposes and residential
6253 accessory buildings the minimum rear yard shall be not less than 10
6254 feet.
6255 2. For residential buildings the minimum rear yard shall be not less
6256 than 25 feet.

- 6257 (7) Lot coverage.
6258 The total building footprint of commercial buildings, residential buildings and
6259 residential accessory buildings shall not exceed 35 percent of the lot area.
6260

6261 10.272. GC (General Commercial) Zoning District

- 6262 (1) Purpose.
6263 (a) The General Commercial Zoning District is intended to accommodate
6264 retail, sales, service, lodging, and office uses, where: primary
6265 commercial activity occurs indoors; commercial uses are of moderate
6266 scale and intensity, and; uses are appropriate to a developed area.
6267 Outdoor sales are not permitted.
6268 (b) Permitted uses are typically characterized by moderate traffic and
6269 parking requirements, with low or moderate noise, odors, vibrations,
6270 fumes or other potential direct external nuisances.
6271 (c) Conditional uses include compatible commercial uses that have a
6272 somewhat higher amount of outdoor activity, operate outside of
6273 normal business hours, or taller or more massive buildings. As a
6274 district primarily devoted to commercial uses, residential uses are
6275 listed as conditional uses to make sure residential areas are designed
6276 for compatibility with nearby commercial areas, including provisions or
6277 designs, such as visual screening, or safe pedestrian access, to
6278 protect residents' safety and welfare.

- 6279 (2) Permitted Uses.
6280 (a) Agricultural uses. Livestock not permitted

- 6281 (b) Agricultural accessory uses. Livestock not permitted.
- 6282 (c) Contractor, landscaping or building trade operations.
- 6283 (d) Day care centers
- 6284 (e) Governmental, institutional, religious, or nonprofit community uses.
- 6285 (f) Indoor entertainment or assembly
- 6286 (g) Indoor sales
- 6287 (h) Indoor storage and repair.
- 6288 (i) Light industrial
- 6289 (j) Office uses
- 6290 (k) Personal or professional service
- 6291 (l) Transient or tourist lodging
- 6292 (m) A transportation, utility, communication, or other use that is:
- 6293 1. required under state or federal law to be located in a specific place,
- 6294 or;
- 6295 2. is authorized to be located in a specific place under a state or
- 6296 federal law that specifically preempts the requirement of a
- 6297 conditional use permit.
- 6298 (n) Undeveloped natural resource and open space areas.
- 6299 (o) Utility services associated with, and accessory to, a permitted or
- 6300 conditional use.
- 6301 (p) Veterinary clinics.

6302 (3) Conditional Uses.

- 6303 (a) Airport, landing strip or heliport.
- 6304 (b) Animal boarding, domestic pets
- 6305 (c) Cemeteries
- 6306 (d) Commercial Indoor Lodging.
- 6307 (e) Communication towers
- 6308 (f) Drive-in establishment
- 6309 (g) Marinas
- 6310 (h) Off-site parking
- 6311 (i) Outdoor active recreation
- 6312 (j) Outdoor entertainment
- 6313 (k) Outdoor Storage.
- 6314 (l) Residential and associated accessory uses.
- 6315 1. Any residential use in the GC district must meet all of the following
- 6316 criteria:
- 6317 a. Comply with residential density standards of any applicable
- 6318 town comprehensive plan and the Dane County
- 6319 Comprehensive Plan
- 6320 b. Have visual screening from adjacent commercial areas
- 6321 c. Must provide appropriate parking, and internal pedestrian
- 6322 access for residents.
- 6323 2. Residential uses may include:
- 6324 a. Caretaker's residence
- 6325 b. Single family residential
- 6326 c. Attached or detached accessory dwelling units

- 6327 **d.** Two family residential
- 6328 **e.** Multifamily residential
- 6329 **f.** Mixed residential and commercial developments
- 6330 **g.** Institutional Residential
- 6331 **h.** Manufactured housing communities, subject to s. 10.103(14)
- 6332 **i.** Rooming house.
- 6333 **(m)** Transportation, communications, pipeline, electric transmission,
- 6334 utility, or drainage uses, not listed as a permitted use above.
- 6335 **(n)** Vehicle repair or maintenance service

- 6336 (4) Building size and area limitations.
- 6337 **(a)** Commercial or mixed-use buildings: 4 stories maximum
- 6338 **(b)** Residential dwelling: 2 stories or 35 feet maximum.

- 6339 (5) Lot dimensions.
- 6340 **(a)** Minimum lot area.
- 6341 1. Exclusive commercial use. There is no minimum lot area for purely
- 6342 commercial lots. However, lots must have sufficient room to
- 6343 accommodate sanitary, stormwater and parking for intended uses.
- 6344 2. Residential or mixed uses.
- 6345 (a) Lots on public sewer. Lots must be at least 2,000 square feet in
- 6346 area per each residential apartment.
- 6347 (b) Lots not on public sewer. Lots must be at least 5,000 square
- 6348 feet per residential apartment.
- 6349 **(b)** Maximum lot area. None.
- 6350 **(c)** Minimum lot width.
- 6351 1. Exclusive commercial use. There is no minimum lot width for
- 6352 purely commercial lots.
- 6353 2. Residential or mixed uses. Lots must be at least 60 feet wide.

- 6354 (6) Setbacks and required yards.
- 6355 **(a)** Side yards: 10 feet minimum
- 6356 **(b)** Rear yards.
- 6357 1. Exclusive commercial use: 10 Feet minimum
- 6358 2. Residential or mixed use: 25 feet minimum

- 6359 (7) Lot coverage.
- 6360 The total area of all buildings and structures must not exceed 60% of the total lot
- 6361 area, excluding public rights-of-way.
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6363 10.273. HC (Heavy Commercial) Zoning District

6364 (1) Purpose.

- 6365 (a) The Heavy Commercial Zoning District is intended to accommodate
6366 retail, service, light industrial lodging, and office uses, where: primary
6367 commercial activity may occur either indoors or outdoors;
6368 commercial uses are of relatively large scale and intensity, and; uses
6369 are appropriate to a highly developed area.
6370 (b) Permitted uses are typically characterized by relatively high traffic
6371 volumes and substantial parking requirements, with some potential for
6372 noise, odors, vibrations, fumes or other potential direct external
6373 nuisances.
6374 (c) Conditional uses include commercial uses that have a somewhat
6375 higher amount of outdoor activity, or operate outside of normal
6376 business hours.

6377 (2) Permitted Uses.

- 6378 (a) Adult book stores, subject to s. 10.103(2).
6379 (b) Agricultural uses. Livestock not permitted.
6380 (c) Agricultural accessory uses. Livestock not permitted.
6381 (d) Cemeteries
6382 (e) Colony house.
6383 (f) Contractor, landscaping or building trade operations.
6384 (g) Day care centers
6385 (h) Freight and bus terminals.
6386 (i) Governmental, institutional, religious, or nonprofit community uses.
6387 (j) Indoor entertainment or assembly
6388 (k) Indoor sales
6389 (l) Indoor storage and repair.
6390 (m) Institutional residential
6391 (n) Light industrial
6392 (o) Off-site parking
6393 (p) Office uses
6394 (q) Outdoor sales, display or repair
6395 (r) Outdoor storage
6396 (s) Personal or professional service
6397 (t) Personal storage facility
6398 (u) Transient or tourist lodging
6399 (v) A transportation, utility, communication, or other use that is:
6400 1. required under state or federal law to be located in a specific place,
6401 or;
6402 2. is authorized to be located in a specific place under a state or
6403 federal law that specifically preempts the requirement of a
6404 conditional use permit.
6405 (w) Undeveloped natural resource and open space areas.
6406 (x) Utility services.
6407 (y) Vehicle repair or maintenance service

- 6408 **(z)** Veterinary clinics
6409 **(aa)** Warehousing and distribution facilities.
- 6410 (3) Conditional Uses.
- 6411 **(a)** Airport, landing strip or heliport
6412 **(b)** Animal boarding, domestic pet
6413 **(c)** Animal boarding, large animal
6414 **(d)** Caretaker's residence
6415 **(e)** Commercial indoor lodging
6416 **(f)** Communication towers
6417 **(g)** Drive-in establishment
6418 **(h)** Electric generating facilities, provided 100% of the production output
6419 of the facility is derived from renewable energy resources
6420 **(i)** Marinas
6421 **(j)** Outdoor active recreation
6422 **(k)** Outdoor entertainment
6423 **(l)** Transportation, communications, pipeline, electric transmission, utility,
6424 or drainage uses, not listed as a permitted use above.
- 6425 (4) Building size and area limitations.
- 6426 **(a)** Building height. Buildings shall not exceed a height of 50 feet,
6427 excluding tanks, storage bins, silos and towers.
- 6428 (5) Lot dimensions.
- 6429 **(a)** Minimum lot area. There is no minimum lot area for lots in the HC
6430 district. However, lots must have sufficient area to accommodate
6431 sanitary, stormwater and parking for intended uses.
6432 **(b)** Maximum lot area. There is no maximum lot area for lots in the HC
6433 district.
6434 **(c)** Minimum lot width. There is no minimum lot width for lots in the HC
6435 district.
- 6436 (6) Setbacks and required yards.
- 6437 **(a)** Side yards: 10 feet minimum
6438 **(b)** Rear yard: 10 Feet minimum
- 6439 (7) Lot coverage.
- 6440 The total area of all buildings and structures must not exceed 60% of the total lot
6441 area, excluding public rights-of-way.
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6443 10.280. Processing, Manufacturing and Industrial Zoning Districts

6444 (1) Provisions applicable to all Processing, Manufacturing and Industrial
6445 Districts

6446 (a) Off-street parking. Off-street parking shall be provided as required in
6447 s. 10.102(8).

6448 (b) Screening. For commercial uses adjacent to any Residential, Rural
6449 Residential or Rural Mixed-Use district, screening must be provided
6450 as required in s. 10.102(12).

6451 (c) Stormwater. The Zoning Administrator may not issue a zoning permit
6452 for any development in any Processing, Manufacturing and Industrial
6453 district until the Department of Land and Water Resources issues a
6454 Stormwater Management permit for the project under Chapter 14,
6455 Dane County Code.

6456 (2) Rezones to Processing, Manufacturing and Industrial Zoning Districts.

6457 (a) The county board may not approve a petition to rezone to the RI or MI
6458 zoning districts on lands that are wholly or partially within the zone of
6459 contribution to a municipal well, as shown in the most current adopted
6460 version of the Dane County Water Quality Plan

6461 (b) Where necessary to minimize impacts to neighboring properties, the
6462 zoning committee may recommend, and the county board may adopt,
6463 conditions on zoning petitions to any Processing, Manufacturing and
6464 Industrial zoning district that impose deeper setbacks, wider minimum
6465 lot widths, and/or wider side or rear yards than otherwise provided in
6466 this ordinance. Such conditions shall be based on the nature of the
6467 use and shall be adopted subject to the standards under s.
6468 10.101(8)(d).
6469

6470 10.281. RI (Rural Industry) Zoning District

6471 (1) Purpose.

6472 (a) The Rural Industry Zoning District is intended to accommodate
6473 industrial, processing and extractive uses, where:

- 6474 1. primary activity often occurs outdoors;
6475 2. uses require large land areas and separation from residential uses;
6476 3. uses do not require full urban services or create intensive electrical,
6477 water or other utility demand, and;
6478 4. uses are appropriate to a rural area.

6479 (b) Permitted uses are similar to those in the Limited Commercial district,
6480 and do not require special conditions or approvals to mitigate impacts
6481 to surrounding properties.

6482 (c) Conditional uses have significant potential for runoff, pollution, noise,
6483 dust, odors, vibration, heavy vehicle traffic and other potential
6484 nuisances, and typically require conditions tailored to the particular
6485 use and setting to protect public safety or to mitigate impacts to the

- 6486 environment or to surrounding properties.
- 6487 (2) Permitted Uses
- 6488 (a) Agricultural accessory uses, except farm residences
- 6489 (a) Agricultural uses
- 6490 (b) Incidental parking for employees, consistent with s. 10.102(8).
- 6491 (c) Indoor storage and repair.
- 6492 (d) Light industrial
- 6493 (e) Office uses, employees limited to 6 FTE.
- 6494 (f) Outdoor storage.
- 6495 (g) A transportation, utility, communication, or other use that is:
- 6496 1. required under state or federal law to be located in a specific place,
- 6497 or;
- 6498 2. is authorized to be located in a specific place under a state or
- 6499 federal law that specifically preempts the requirement of a
- 6500 conditional use permit.
- 6501 (h) Undeveloped natural resource and open space areas.
- 6502 (i) Utility services.
- 6503 (3) Conditional Uses
- 6504 (a) Asphalt and concrete production
- 6505 (b) Caretaker's residence
- 6506 (c) Communication towers
- 6507 (d) Commercial processing or composting of organic by-products or
- 6508 wastes.
- 6509 (e) Demolition material disposal sites
- 6510 (f) Dumping grounds
- 6511 (g) Electric generating facilities, provided 100% of the production output
- 6512 of the facility is derived from renewable energy resources.
- 6513 (h) Incinerator sites
- 6514 (i) Mineral extraction operations
- 6515 (j) Outdoor sales, display, or repair.
- 6516 (k) Salvage yard or junkyards.
- 6517 (l) Slaughterhouses, meat processing plants
- 6518 (m) Solid waste disposal or recycling center
- 6519 (n) Stock yards, livestock auction facilities
- 6520 (o) Storage of explosive materials.
- 6521 (p) Transportation, communications, pipeline, electric transmission, utility,
- 6522 or drainage uses, not listed as a permitted use above
- 6523 (q) Wastewater treatment facilities.
- 6524 (4) Building size and area limitations.
- 6525 Buildings shall not exceed 35 feet in height or two and one-half stories,
- 6526 whichever is less.
- 6527 (5) Lot dimensions.
- 6528 (a) Minimum lot size. All lots created in the RI zoning district must be at

- 6529 least 16 acres in area, excluding public rights-of-way.
 6530 **(b)** Minimum lot width. All lots created in the RI zoning district must have
 6531 a minimum lot width of 100 feet.
- 6532 **(6)** Setbacks and required yards.
 6533 **(a)** Front yards. Construction equipment, vehicles, or material shall not be
 6534 stored between the building setback line and the front lot line of any
 6535 lot.
 6536 **(b)** Side yards. The minimum width for any side yard shall not be less
 6537 than 10 feet for any building.
 6538 **(c)** Rear yards. Rear yards shall not be less than 25 feet from the
 6539 property line.
- 6540 **(7)** Lot coverage.
 6541 The total building footprint of commercial buildings, residential buildings and
 6542 residential accessory buildings shall not exceed 35 percent of the lot area.
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- 6544 10.282. MI (Manufacturing and Industrial) Zoning District
- 6545 **(1)** Purpose.
 6546 **(a)** The Manufacturing and Industrial Zoning District is intended to
 6547 accommodate industrial, processing and extractive uses, where:
 6548 1. primary activity occurs either indoors or outdoors;
 6549 2. uses are intensive, and at relatively high densities and may produce
 6550 a high volume of employee and freight traffic
 6551 3. uses require separation from residential uses;
 6552 4. uses may require full urban services or create intensive electrical,
 6553 water or other utility demand, and;
 6554 5. uses are appropriate to an urbanized or industrial area.
 6555 **(b)** Permitted uses occur primarily indoors.
 6556 **(c)** Conditional uses often occur outdoors, and have unusual potential for
 6557 runoff, pollution, noise, dust, odors, vibration, heavy vehicle traffic and
 6558 other potential nuisances, and typically require conditions tailored to
 6559 the particular use and setting to protect public safety or to mitigate
 6560 impacts to the environment or to surrounding properties.
- 6561 **(2)** Permitted Uses
 6562 **(a)** Adult book stores, subject to s. 10.103(2)
 6563 **(b)** Adult entertainment, subject to the provisions of the Adult
 6564 Entertainment Overlay District (AED).
 6565 **(c)** Agricultural accessory uses. Livestock not permitted.
 6566 **(d)** Agricultural uses. Livestock not permitted.
 6567 **(e)** Animal boarding, domestic pets
 6568 **(f)** Animal boarding, large animal.
 6569 **(g)** Fertilizer manufacturing plants
 6570 **(h)** Fertilizer mixing or blending plants.

- 6571 (i) Freight and passenger bus terminals
- 6572 (j) Governmental, institutional, religious, or nonprofit community uses.
- 6573 (k) Drive-in establishments
- 6574 (l) Electric generating facilities
- 6575 (m) Heavy industrial uses.
- 6576 (n) Indoor entertainment and assembly
- 6577 (o) Indoor storage and repair
- 6578 (p) Indoor sales.
- 6579 (q) Light industrial uses.
- 6580 (r) Marinas
- 6581 (s) Off-site parking lot or garage
- 6582 (t) Office uses.
- 6583 (u) Outdoor active recreation
- 6584 (v) Outdoor entertainment.
- 6585 (w) Outdoor sales.
- 6586 (x) Outdoor storage
- 6587 (y) Personal or professional service
- 6588 (z) Personal storage facilities
- 6589 (aa) A transportation, utility, communication, or other use that is:
 - 6590 1. required under state or federal law to be located in a specific place,
 - 6591 or;
 - 6592 2. is authorized to be located in a specific place under a state or
 - 6593 federal law that specifically preempts the requirement of a
 - 6594 conditional use permit.
- 6595 (bb) Undeveloped natural resource and open space areas.
- 6596 (cc) Utility services.
- 6597 (dd) Vehicle repair or maintenance services
- 6598 (ee) Veterinary clinics
- 6599 (ff) Warehousing and distribution facilities.

- 6600 (3) Conditional Uses
 - 6601 (a) Asphalt and concrete production
 - 6602 (b) Communication towers
 - 6603 (c) Commercial processing or composting of organic by-products or
 - 6604 wastes.
 - 6605 (d) Demolition material disposal sites
 - 6606 (e) Dumping grounds
 - 6607 (f) Incinerator sites
 - 6608 (g) Mineral extraction operations
 - 6609 (h) Solid waste disposal operation or recycling centers
 - 6610 (i) Salvage recycling operations
 - 6611 (j) Stockyards, livestock auction facilities
 - 6612 (k) Storage of explosive materials.
 - 6613 (l) Transportation, communications, pipeline, electric transmission, utility,
 - 6614 or drainage uses, not listed as a permitted use above.

- 6615 (4) Building size and area limitations.

- 6616 (a) Building height. Buildings shall not exceed a height of 50 feet,
6617 excluding tanks, storage bins, silos and towers.
- 6618 (5) Lot dimensions.
- 6619 (a) Minimum lot area. There is no minimum lot area for lots in the MI
6620 district. However, lots must have sufficient room to accommodate
6621 sanitary, stormwater and parking for intended uses.
- 6622 (b) Maximum lot area. There is no maximum lot area for lots in the MI
6623 district.
- 6624 (c) Minimum lot width. There is no minimum lot width for lots in the MI
6625 district.
- 6626 (6) Setbacks and required yards.
- 6627 (a) Front yards. Construction equipment, vehicles, or material shall not be
6628 stored between the building setback line and the front lot line of any
6629 lot.
- 6630 (b) Side yards. The minimum width for any side yard shall not be less
6631 than 10 feet for any building.
- 6632 (c) Rear yards. Rear yards shall not be less than 10 feet from the
6633 property line.
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6635 10.290. Special Use Zoning Districts

6636 10.291. PUD (Planned Unit Development) Zoning District

6637 (1) Purpose.

6638 The purpose of the PUD Planned Unit Development district is to promote
6639 improved development design by allowing greater flexibility and imagination in
6640 urban and rural development while ensuring substantial compliance with the
6641 intent of the zoning ordinance and adopted plans. The district allows variations in
6642 uses, structures, densities, setbacks and yard requirements, building heights,
6643 landscaping and other provisions for developments which are cohesively planned
6644 and implemented. In exchange for such flexibility, the project (hereinafter referred
6645 to as Planned Unit Development or PUD) must provide a higher level of design
6646 and functionality than normally required for other developments.

6647 (2) Permitted uses.

6648 The only uses permitted within each mapped PUD district shall be those lawful
6649 use(s) in place at the time of PUD district mapping plus those uses explicitly
6650 listed, depicted and described as permitted uses within that particular PUD
6651 district.

6652 (3) Other standards.

6653 Building height limit, Area, frontage and population density regulations; Lot
6654 coverage; Number of principal buildings per lot; Setback from road and front
6655 property line and front yard requirements; Side and rear yard requirements; Off-

6656 street parking; Screening and landscaping provisions; Sign regulations. Zoning
6657 limitations on or requirements for building height, lot area, lot frontage/width,
6658 housing unit or population density, number of buildings per lot, lot coverage,
6659 setbacks, yard areas, off-street parking and loading, screening or landscaping,
6660 and signage shall be specified for each particular PUD district. Such
6661 requirements shall be generally described as part of an approved General
6662 Development Plan (GDP) for each PUD and explicitly specified as part of an
6663 approved Specific Implementation Plan (SIP). Where they provide sufficient
6664 detail, such specifications shall supersede similar specifications found elsewhere
6665 in the zoning ordinance.

6666 (4) Criteria for approval of PUDs.

6667 Planned unit developments shall meet all of the following criteria to be approved:

- 6668 (a) The development shall be consistent with a town comprehensive plan
6669 approved by both the town and county.
- 6670 (b) The uses and their intensity, appearance, design and arrangement
6671 shall be compatible with the physical nature of the site and area, and
6672 shall not have a significant adverse impact on the natural
6673 environment.
- 6674 (c) The uses and their intensity, appearance, design and arrangement
6675 shall in no foreseeable manner diminish or impede the uses, values
6676 and normal and orderly development of surrounding properties.
- 6677 (d) The uses and their intensity, appearance, design and arrangement
6678 shall not create access issues, traffic or parking demand inconsistent
6679 with existing or anticipated transportation facilities.
- 6680 (e) The development shall include adequate provision for the continued
6681 preservation, maintenance and improvement of natural areas and
6682 open space.
- 6683 (f) The applicant shall provide evidence of financial feasibility and
6684 assurances that each phase can be completed in a manner which
6685 would not result in an adverse effect upon the community as a result
6686 of termination at that point.
- 6687 (g) The development shall comply with all other applicable ordinances.

6688 (5) Planned unit development approval process.

6689 There is a two step review and approval process for establishing a PUD district.
6690 The first step consists of submittal of a General Development Plan (GDP) that
6691 outlines the nature of the Planned Unit Development and provides information
6692 necessary for consideration and decision-making by the town and county. The
6693 second step involves submittal of a Specific Implementation Plan (SIP) which
6694 documents the detailed actions the applicant will take to implement the General
6695 Development Plan. No PUD zoning district can be established without an
6696 approved GDP and corresponding SIP(s). If approved by the zoning
6697 administrator, the applicant may combine steps for simple PUDs involving a
6698 small tract of land or proceed with both steps concurrently.

6699 (a) General Development Plan (GDP).

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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

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- 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

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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

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- 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

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- 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.

6928 **10.**As an alternative to SIP technical review by the zoning
6929 administrator, planning and development director and affected town,
6930 approval of the GDP may include detailed restrictive covenants
6931 specific to the PUD that establish a design review committee and
6932 design review process to review SIP submittals so as to ensure
6933 compliance with the GDP. All other requirements for the SIP per
6934 para. (b) above shall remain in effect if this option is approved by the
6935 town and county as part of the GDP.
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6937 10.292. UTR (Utility, Transportation and Right-of-Way) Zoning District

6938 (1) Purpose

6939 The UTR Utility, Transportation and Right-of-Way district is intended to provide
6940 for parcels intended for purely utilitarian, nonresidential uses with no principal
6941 structure. The UTR district is intended for parcels that due to their size, width,
6942 location, proximity to a roadway, division by municipal boundaries or other
6943 circumstance are unsuitable for most forms of residential, commercial or other
6944 structural development, yet lack significant natural resource features.

6945 (2) Permitted uses.

6946 **(a)** Accessory uses and structures associated with a permitted principal
6947 use on parcels in common ownership that are either adjacent or on
6948 the opposite side of a public right-of-way.

6949 **(b)** Undeveloped natural resource use.

6950 **(c)** Community gardens.

6951 **(d)** Small-scale farming

6952 **(e)** Public or private roadways

6953 **(f)** Bicycle or hiking trails

6954 **(g)** Private driveways or onsite parking

6955 **(h)** Railroad, utility or access easements or rights-of-way

6956 **(i)** Stormwater facilities

6957 **(j)** Utility services.

6958 **(k)** A transportation, utility, communication, or other use that is:

6959 1. required under state or federal law to be located in a specific place,
6960 or;

6961 2. is authorized to be located in a specific place under a state or
6962 federal law that specifically preempts the requirement of a
6963 conditional use permit.

6964 **(l)** Invasive species control activities.

6965 (3) Conditional uses

6966 **(a)** Transportation, communications, pipeline, electric transmission, utility,
6967 or drainage uses, not listed as a permitted use above.

6968 **(b)** Storage structures, not to exceed 250 square feet.

6969 **(c)** Runways or take-off and landing areas associated with airports,

6970 landing strips or heliports.

6971 (4) Building size and area limitations.

6972 (a) Building height. Buildings, as approved by conditional use permit,
6973 shall not exceed a height of 12 feet, excluding utility structures or
6974 communication towers.

6975 (5) Lot dimensions.

6976 (a) Minimum lot area. There is no minimum lot area for lots in the UTR
6977 district.

6978 (b) Maximum lot area. There is no maximum lot area for lots in the UTR
6979 district.

6980 (c) Minimum lot width. There is no minimum lot width for lots in the UTR
6981 district.

6982 (6) Setbacks and required yards.

6983 (a) Front yards.

6984 1. All structures must meet front yard setbacks as described in s.
6985 10.102(9).

6986 2. For parcels without road frontage, structures must be at least four
6987 feet from the lot line where primary access to the parcel is made.

6988 3. Construction equipment, vehicles, or material shall not be stored
6989 between the building setback line and the front lot line of any lot.

6990 (b) Side yard. Any permitted structures must be at least four feet from the
6991 side lot line.

6992 (c) Rear yard. Any permitted structures must be at least four feet from the
6993 rear lot line.
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6995 10.300. Overlay Districts

6996 10.301. AED (Adult Entertainment) Overlay District

6997 (1) Statement of Purpose.

6998 It is the purpose of this district to establish reasonable and uniform regulations of
6999 the use of property for adult entertainment establishments in order to prevent the
7000 adverse secondary effects associated with these businesses and thereby
7001 promote the health, safety, morals, and general welfare of the citizens of Dane
7002 County. It is not the intent or effect of this ordinance to restrict or deny access by
7003 adults to sexually oriented entertainment protected by the First Amendment, or to
7004 deny access by the exhibitors of sexually oriented entertainment to their intended
7005 market.

7006 (2) Findings.

7007 While the County Board recognizes that freedom of speech is among our most
7008 precious and highly protected rights, and wishes to act consistently with full
7009 protection of those rights, based on evidence concerning the adverse secondary

7010 effects of adult entertainment establishments on the community presented in
7011 hearings and in reports made available to the Board, and on findings
7012 incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.*, 535
7013 U.S. 425 (2002); *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *BBL,*
7014 *Inc. v. City of Angola*, 809 F.3d 317 (7th Cir. 2015); *Thirteen Mile Rd. Inc. v.*
7015 *Warren*, 626 F. Supp. 803, (E.D. Mich. 1985); *Alexander v. Minneapolis*, 713 F.
7016 Supp. 1296 (DC Minn. 1989); *7250 Corp. v. Board of County Comrs.*, 799 P.2d
7017 917 (Col. 1990); *Chicago v. Scandia Books, Inc.*, 102 Ill App. 3d 292 (1st Dist.
7018 1981); *Islip v. Caviglia*, 540 N.E.2d 215 (N.Y. 1989); *Dumas v. Dallas*, 648 F.
7019 Supp. 1061 (N.D. Tex. 1986); *International Eateries of America, Inc. v. Broward*
7020 *County*, 726 F. Supp. 1568 (S.D. Fla. 1989); *Walnut Properties, Inc. v. City*
7021 *Council of Long Beach*, 100 Cal. App. 3d 1018 (2d Dist. 1980); *S&GNews, Inc. v.*
7022 *Southgate*, 638 F. Supp. 1060 (E.D. Mich. 1986); *U.S. Partners Financial Corp. v.*
7023 *Kansas City*, 707 F. Supp. 1090 (W.D. Mo. 1989); *City of Vallejo v. Adult Books,*
7024 *167 Cal. App. 3d xxx* (1st Dist. 1985); *County of Cook v. Renaissance Arcade &*
7025 *Bookstore*, 122 Ill 2d 123 (1988); *Derusso v. City of Albany, NY*, 205 F. Supp. 2d
7026 16 (N.D. N.Y. 2002); *Mom N Pops, Inc. v. City of Charlotte*, 979 F. Supp. 372
7027 (W.D. N.C. 1997); *Venture I, Inc. v. Orange County, Tex.*, 947 F. Supp. 271 (E.D.
7028 Tex. 1996); *Community Visual Communications, Inc. v. City of San Antonio*, 148
7029 F. Supp. 2d 764 (W.D. Tex. 2000); *Bronco's Entertainment, Ltd. v. Charter Tp. Of*
7030 *Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Brandywine, Inc. v. City of Richmond,*
7031 *Kentucky*, 359 F.3d 830 (6th Cir. 2004); *Holmberg v. City of Ramsey*, 12 F.3d
7032 1413 (8th Cir. 1994); *Woosterv. Entertainment One, Inc.*, 158 Ohio App. 3d 161
7033 (2004); *Grand Brittain, Inc. v. City of Amarillo, Tex.*, 27 F.3d 1068 (5th Cir.
7034 1994); *Tollis, Inc. v. City of County of San Diego*, 505 F.3d 935 (9th Cir. 2007); as
7035 well as finding from papers, articles, studies and information from other
7036 communities including, but not limited to, Fort Worth & Dallas, Texas; Palm
7037 Beach County, Florida; Garden Grove, California; Austin, Texas; Phoenix,
7038 Arizona; Indianapolis, Indiana; Houston, Texas; Tucson, Arizona; Whittier,
7039 California; Oklahoma City, Oklahoma; Amarillo, Texas; Beaumont, Texas, New
7040 York City (Times Square); Milford, Massachusetts, Seattle, Washington, and Los
7041 Angeles, California the Report of the Attorney General's Working Group on the
7042 Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota);
7043 "Sexually Oriented Businesses An Insider's View," by David Sherman, presented
7044 to the Ohio Senate Judiciary Committee on Civil Justice, December 3, 2002;
7045 "Secondary Effects of Sexually Oriented Businesses on Market Values" by
7046 Connie B. Cooper and Eric D, Kelly and "Crime Related Secondary Effects" by
7047 Richard McCleary, Texas City Attorneys Association, 2008; "Rural Hotspots: The
7048 Case of Adult Businesses," by Richard McCleary, 19 Criminal Justice Policy
7049 Review 153 (2008); and "Correlates of Current Transactional Sex among a
7050 Sample of Female Exotic Dancers in Baltimore, MD," 88 Journal of Urban Health:
7051 Bulletin of the New York Academy of Medicine 342 (2011); "Adult Businesses &
7052 Crime: Seeking A Better Understanding," Eric S. McCord and Richard
7053 Tewksbury, University of Louisville; "Do 'Off-Site' Adult Businesses Have
7054 Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence,"
7055 Richard McCleary and Alan C. Weinstein, 31 Law & Policy 218 (2009); "Do Peep

7056 Shows 'Cause' Crime? A Response to Linz, Paul, and Yao," Richard McCleary
7057 and James W. Meeker, 43 The Journal of Sex Research 194 (2006), the County
7058 of Dane, relying upon the experience of other local governments in this state and
7059 throughout the country, finds as follows:

- 7060 **(a)** That adult entertainment establishments may have an adverse
7061 secondary effect on the surrounding community because the sexual
7062 nature of the business may, regardless of the intentions of the
7063 proprietors, attract persons seeking prostitution or unlawful drugs, or
7064 who are inclined to be disorderly or disruptive;
- 7065 **(b)** Adult entertainment establishments are an intense commercial use
7066 which create a large volume of foot and automobile traffic in the
7067 vicinity of the establishment, which may require police and other
7068 municipal services which may not be readily available in towns, and
7069 which may conflict with the preservation of farmland by encouraging
7070 scattered commercial development;
- 7071 **(c)** Adult entertainment establishments have their peak activity at hours
7072 and days which are incompatible with residential uses, and have a
7073 larger customer volume than other entertainment establishments;
- 7074 **(d)** Because of the potential for negative impacts on property values, the
7075 peace and good order of the community and the welfare of individuals
7076 affected by adult entertainment establishments, it is necessary to
7077 minimize the secondary effects of adult entertainment;
- 7078 **(e)** It is the intent of this section to protect the health, safety and welfare
7079 of the citizens of Dane County and to further preserve the quality of
7080 life and to preserve the urban and rural characteristics of its
7081 neighborhoods. The intent of the Adult Entertainment Overlay District
7082 is to regulate the location of such establishments.

7083 (3) Limitations.

7084 Nothing in this section shall be construed to permit the regulation of any activities
7085 conducted in adult entertainment establishments which are entitled to protection
7086 under the First Amendment of the United States Constitution, including:

- 7087 **(a)** plays, operas, musicals or other dramatic works that are not obscene;
- 7088 **(b)** classes, seminars, or lectures which are held for a serious scientific or
7089 educational purpose and that are not obscene.
- 7090 **(c)** rental or sale of video cassettes, DVD videodiscs, or other electronic
7091 media for private viewing off the premises.

7092 (4) Determination of obscenity.

7093 Whether or not an activity is obscene shall be judged by consideration of the
7094 following factors:

- 7095 **(a)** whether the average person, applying contemporary community
7096 standards, would find that the activity taken as a whole appeals to
7097 prurient interest in sex;
- 7098 **(b)** whether the activity depicts or describes sexual conduct in a patently
7099 offensive way, as measured against community standards; and
- 7100 **(c)** whether the activity taken as a whole lacks serious literary, artistic,

7101 political or scientific value.

7102 (5) Applicability.

7103 The overlay district shall apply only to lands zoned M-I, Manufacturing and
7104 Industrial.

7105 (6) Permitted Uses.

7106 An adult entertainment establishment shall be a permitted use within the overlay
7107 district.

7108 (7) Standards for siting of adult entertainment establishments.

7109 Adult entertainment establishments shall meet all of the following requirements:

7110 (a) Location of any particular adult entertainment establishment must be
7111 not less than 1,000 feet from any church, synagogue, temple, mosque
7112 or any other place of worship, any residentially zoned district, park,
7113 school, playground, day care center, public library and any other adult
7114 book store or adult entertainment establishment.

7115 1. Measurement shall be made in a straight line, without regard to
7116 intervening structures or objects, from the nearest portion of the
7117 building or structure used as the part of the premises where adult
7118 entertainment is conducted, to the nearest property line of the
7119 premises of a use listed in sub (a). Presence of a City, County or
7120 other municipal boundary shall not affect the calculation and
7121 application of the distance requirements of sub (a).

7122 (b) There shall be no display windows on the premises;

7123 (c) The business may have only one (1) non-flashing business sign, and
7124 which shall be not larger than 4 feet by 4 feet;

7125 (d) A one square foot sign shall be placed on each public entrance which
7126 shall state "Admittance to adults only" and may include other pertinent
7127 business information;

7128 (e) The owner and operator of an adult entertainment establishment shall
7129 agree to comply with all Federal, State and Local laws and
7130 ordinances, including those regulating obscenity and alcoholic
7131 beverages, and shall further insure that minors are not allowed on the
7132 premises. Solicitation for purposes of prostitution shall be strictly
7133 prohibited; and

7134 (f) There shall be no areas in the adult entertainment establishment in
7135 which entertainment is provided which are not fully visible from the
7136 main area of the establishment. No entertainment may occur in areas
7137 of the establishment which are set off by doors, curtains, screens,
7138 barriers, café or saloon doors or other obstructions.

7139 (8) Severability.

7140 The provisions of this ordinance shall be severable. The County Board finds that
7141 it would have enacted all the provisions of this ordinance on the basis of any one
7142 of the findings in section (1).
7143

7144 10.302. HD (Historic) Overlay District

7145 (1) Statement of purpose.

7146 The purpose of the historic overlay district is to effect and accomplish the
7147 protection, enhancement and perpetuation of such sites and structures which
7148 represent or reflect elements of the county's cultural history, and to safeguard the
7149 county's historic and cultural heritage as embodied in such sites and structures,
7150 expanding upon such protection as is afforded by chapter 157, 1987 Wis. Stats.

7151 (2) Designation.

7152 No site may be designated which is not cataloged and no structure may be
7153 designated without the owner's written consent. The County of Dane is hereby
7154 deemed to have consented to the designation of all county-owned sites and
7155 structures which may hereafter be designated by the park commission with the
7156 approval of the county board.

7157 (3) Indication.

7158 Sites and structures which are designated shall be indicated by attaching the
7159 suffix "HD" to the zoning district in which the site or structure is located.

7160 (4) Protection of historic sites.

7161 No building or structure, whether or not a permit therefore is required under this
7162 ordinance, shall be erected on, and no use which involves soils disturbance shall
7163 be made of, any historic site except that with consent of the committee, an owner
7164 may remove, replace or add vegetation designed to preserve the site. There shall
7165 be a clear area extending 25 feet in all directions from any historic site except
7166 that on substandard lots where the clear area distance of 25 feet cannot
7167 reasonably be maintained, the clear area distance shall be reduced to a distance
7168 equal to twice the depth of any excavation intended to be constructed on the lot
7169 or 10 feet, whichever is greater, unless a more restrictive minimum distance is
7170 imposed by state statute in which case the statutory minimum shall apply.

7171 **(a)** The committee is empowered to grant a waiver from the clear zone
7172 requirements above for any lot provided that the committee finds that
7173 the owner cannot otherwise make reasonable use of the lot for the
7174 zoning classification it bears and that the site is preserved intact. The
7175 committee shall seek the advice of the park commission when
7176 considering any waiver application.

7177 **(b)** In no event shall a waiver under this section allow a structure to be
7178 located closer to an historic site than a distance equal to twice the
7179 depth of any excavation intended to be used for that part of the
7180 structure closest to the historic site, and in any event not closer than is
7181 permitted by statute.

7182 **(c)** Replacement private onsite sewage treatment systems, and existing
7183 roads, including repairs thereto, may be located in clear areas.

7184 **(d)** Where the designation of a particular parcel of land as an historic site
7185 under this ordinance results in a property owner being deprived of all,
7186 or substantially all, of the beneficial use of the property, compensation

7187 shall be paid as provided for by law.

7188 (5) Protection of historic structures.

7189 Historic structures may be modified, altered or changed only when necessary to
7190 protect the continued existence of the structure or, for other purposes, when
7191 done according to the standards outlined by the department of the interior for the
7192 restoration, rehabilitation and adaptive reuse of historic structures. The owner of
7193 an historic structure who or which has opened the structure to the public may
7194 erect and maintain supporting structures, including lighting, protective fences and
7195 fire protection systems, as may be necessary for the maintenance or ease of use
7196 of the site.
7197

7198 10.303. NR-I (Natural Resource Identification) Overlay District

7199 (1) Purpose

7200 The Natural Resource Buffer Overlay District (NR-I) is intended to:

- 7201 (a) Minimize impacts to sensitive environmental features.
- 7202 (b) Provide more detailed information about potential natural resources or
7203 other environmental features to aid in appropriate design and siting of
7204 development.
- 7205 (c) Provide for appropriate review in areas of special concern as
7206 identified in adopted town and county comprehensive plans.
- 7207 (d) Provide buffers and minimize ecological fragmentation of core
7208 resources in the NR-C (Conservation) Zoning district.

7209 (2) Permitted and conditional uses

7210 All permitted and conditional uses in the underlying district, provided
7211 development conforms to the performance standards described in (4) below.

7212 (3) Additional application information.

7213 Within the NR-I Natural Resources Identification Overlay District, any application
7214 for any zoning or conditional use permit must be accompanied by the following:

- 7215 (a) A site plan meeting all the requirements of [s. 10.101\(6\)](#).
- 7216 (b) If determined necessary by the zoning administrator, a Preliminary
7217 Review Letter from the Dane County Department of Land and Water
7218 Resources confirming that erosion control and stormwater
7219 management standards under Chapter 14 and/or Chapter 11, Dane
7220 County Code can be readily met.
- 7221 (c) Other natural elements as specifically identified in applicable, adopted
7222 town/county comprehensive plans.

7223 (4) Performance standards.

7224 Prior to issuing a zoning permit for any development activity within the Natural
7225 Resource Buffer Overlay District, the zoning administrator, or his or her
7226 designee, must confirm that any development conforms to the approved site plan
7227 for the project.

7228 10.304. TDR-S (Transfer of Development Rights Sending) Overlay District

7229 (1) Statement of purpose.

7230 The purposes of the TDR-S overlay district are to:

- 7231 (a) Support Transfer of Development Rights, as follows:
- 7232 1. establish a county-wide framework which allows a participating
- 7233 municipality to transfer development rights within or outside its
- 7234 jurisdiction;
- 7235 2. reduce spot development of rural land;
- 7236 3. encourage efficient transportation planning by reducing truly
- 7237 scattered development;
- 7238 4. encourage environmental preservation by enhancing open space;
- 7239 5. preserve and enhance property rights;
- 7240 6. provide support and input into the agricultural community by
- 7241 encouraging the preservation of large intact agricultural areas in
- 7242 some locations and individual farms in other areas;
- 7243 7. direct development in rural areas away from areas planned for long-
- 7244 term agricultural use;
- 7245 8. provide a potential for compensation for individuals who do not want
- 7246 to develop their property or who live in communities which wish to
- 7247 restrict development;
- 7248 9. help Dane County and participating communities achieve the goals
- 7249 and objectives contained in adopted plans;
- 7250 10. facilitate purchase of development rights programs to protect high-
- 7251 priority natural or agricultural resources; and
- 7252 11. allow for towns, villages and cities to serve as a clearinghouse for
- 7253 development rights in accordance with adopted land use and
- 7254 comprehensive plans.
- 7255 (b) Protect property rights. Nothing in this section is intended to restrict,
- 7256 curtail or abridge the rights of property owners to use their property as
- 7257 currently permitted under ordinance, to petition the county board to
- 7258 rezone property or to apply for conditional use permits under ss.
- 7259 59.69, 91.46 or 91.48, Wis. Stats., or this ordinance. A development
- 7260 proposal which is consistent with adopted plans is not objectionable
- 7261 on the grounds that it is not being undertaken with transferred
- 7262 development rights.

7263 (2) Areas affected.

7264 This district is generally intended to apply to lands identified in adopted town and

7265 county comprehensive plans as suitable for:

- 7266 (a) long-term or permanent agricultural, conservation or natural resource
- 7267 use;
- 7268 (b) limited or no non-farm development; and
- 7269 (c) sending areas for a transfer or purchase of development rights
- 7270 program.

- 7271 (3) Applicable zoning districts.
7272 The TDR-S Overlay district shall only apply in the FP-35 and NR-C zoning
7273 districts
- 7274 (4) Permitted uses.
7275 (a) All permitted uses in the underlying zoning district.
7276 (b) Transfer of development rights consistent with, and at a ratio
7277 determined by, an adopted town and county comprehensive plan.
7278 1. Any transferred development rights must be accompanied by a
7279 recorded TDR agricultural conservation easement placed on the
7280 sending property.
7281 2. The recorded easement must include a legal description of the
7282 sending property in accordance with adopted town and county
7283 comprehensive plan guidelines, must detail the number of rights
7284 transferred or sold, and must describe any receiving property or
7285 properties.
7286 3. TDR agricultural conservation easements must list, at a minimum,
7287 the county and the town as parties with enforcement rights and must
7288 require, at a minimum, the county, the town and the landowner to
7289 agree to any amendment of the agricultural conservation easement
7290 in writing and after at least one public hearing held by the zoning
7291 committee. All such amendments shall be recorded.
7292 4. No third parties with enforcement rights may be added without
7293 approval of the Town and the County.
- 7294 (5) Conditional uses.
7295 All conditional uses in the underlying zoning district.
- 7296 (6) Area regulations.
7297 All lots in the TDR-S overlay district must meet the minimum lot size of the
7298 underlying zoning district
7299
- 7300 10.305. TDR-R (Transfer of Development Rights Receiving) Overlay District
- 7301 (1) Statement of purpose.
7302 The purposes of the TDR-R overlay district are to:
7303 (a) establish a county-wide framework which allows a participating
7304 municipality to transfer development rights within or outside its
7305 jurisdiction;
7306 (b) encourage the clustering of rural development;
7307 (c) encourage the efficient provision of services by clustering residential
7308 units;
7309 (d) encourage efficient transportation planning by encouraging compact
7310 development;
7311 (e) support planning of development in areas which have less impact on

- 7312 key sources;
- 7313 (f) preserve and enhance property rights;
- 7314 (g) encourage rural housing that is adequate and affordable for persons
- 7315 from a range of incomes;
- 7316 (h) facilitate development in rural areas of towns already experiencing or
- 7317 seeking development;
- 7318 (i) encourage the efficient use of land that has no history of, or is no
- 7319 longer suitable for, agriculture; and
- 7320 (j) help Dane County and participating communities achieve the goals
- 7321 and objectives contained in adopted plans

7322 (2) Areas affected.

7323 This district is generally intended to apply to lands identified in adopted town and
 7324 county comprehensive plans as suitable for:

- 7325 (a) residential development at a density exceeding one dwelling unit per
- 7326 35 acres; and
- 7327 (b) receiving areas for a transfer of development rights program

7328 (3) Applicable zoning districts.

7329 The TDR-R Overlay district shall only apply in the Rural Mixed-Use, Rural
 7330 Residential, Residential and Hamlet zoning districts.

7331 (4) Applicability near incorporated municipalities.

- 7332 (a) The county board may not rezone to the TDR-R overlay district any
- 7333 parcel wholly or partially within the extraterritorial plat review
- 7334 jurisdiction of an incorporated municipality, as defined in s. 236.02(5),
- 7335 Wis. Stats., unless consistent with an adopted town and county
- 7336 comprehensive plan.
- 7337 (b) If there are inconsistencies between the comprehensive plans of the
- 7338 town and the incorporated municipality with extraterritorial jurisdiction,
- 7339 prior to county board action the town and municipal governments
- 7340 must resolve the inconsistencies, following the dispute resolution
- 7341 process set forth in their respective comprehensive plans as required
- 7342 by s. 66.1001(2)(g), Wis. Stats.

7343 (5) Permitted uses.

7344 All permitted uses in the underlying zoning district, provided all of the following
 7345 criteria are met:

- 7346 (a) Each new dwelling unit is accompanied by transferred development
- 7347 rights from a parcel or parcels in the TDR-S overlay district consistent
- 7348 with, and at a ratio determined by, an adopted town and county
- 7349 comprehensive plan.
- 7350 (b) All transferred development rights in (a) above are from TDR-S
- 7351 overlay districts within the same town as the proposed dwelling unit,
- 7352 unless inter-town transfers are expressly authorized in adopted town
- 7353 and county comprehensive plans for both the sending and receiving
- 7354 towns.

- 7355 (c) The landowner records a notice document for each new dwelling unit
7356 that details the number of development rights transferred, describes
7357 the sending property or properties, and references the recorded
7358 document number of the TDR agricultural conservation easement
7359 required under s. 10.304(4)(b).
7360 (d) Copies of any recorded notices and copies of recorded TDR
7361 agricultural conservation easements on the sending parcel or parcels
7362 in the TDR-S district, must be provided to the zoning administrator
7363 before zoning permits will be issued.

7364 (6) Conditional uses.
7365 All conditional uses in the underlying zoning district, provided all of the following
7366 criteria are met:

- 7367 (a) Any application for a conditional use permit in the TDR-R overlay
7368 district that would increase the number of permanent dwelling units,
7369 except for those uses listed in paragraph (b) below, is accompanied
7370 by transferred development rights from a parcel or parcels in the TDR-
7371 S overlay district consistent with, and at a ratio determined by, an
7372 adopted town and county comprehensive plan
7373 (b) Exceptions. The following conditional uses are not considered an
7374 increase in the number of permanent dwelling units and do not require
7375 a transferred development right:
7376 1. community living arrangements;
7377 2. attached accessory dwelling units;
7378 3. long-term care facilities; and
7379 4. nursing homes.
7380

7381 10.400. Changes and Amendments
7382 The Dane County Board of Supervisors may from time to time alter, supplement
7383 or change by ordinance the boundaries or classification of districts designated in
7384 this ordinance, or any of the provisions of regulations imposed by this ordinance,
7385 as provided in [s. 59.69\(5\)\(e\), Wis. Stats.](#)
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7387 10.500. Roles, Responsibilities and Duties

7388 (1) Zoning Administrator

- 7389 (a) Authority
7390 The position of the zoning administrator shall have all authority,
7391 powers and duties as described in Chapters 33, 59, 87, 88, 236, 281
7392 and 295, Wisconsin Statutes, and in Chapters 10, 11, 12, 13, 14, 17,
7393 74 and 75, Dane County Code.
7394 (b) Appointment.
7395 The zoning administrator shall hold his or her office under civil
7396 service, and vacancies in such office shall be filled by procedures

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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

- 7443 public hearings and other meetings and site visits and the recording
 7444 of the actions, recommendations, and minutes of such bodies.
- 7445 **15.** Perform all duties related to shoreland and wetland zoning assigned
 7446 to the zoning administrator, under Chapter 11, Dane County Code,
 7447 NR 115, Wis. Admin. Code and s. 59.692, Wis. Stats.
- 7448 **16.** Perform all duties related to floodplain zoning assigned to the zoning
 7449 administrator under Chapter 17, Dane County Code, NR 117, Wis.
 7450 Admin. Code and ss. 59, 59.692, 59.694 and 87.30, Wis. Stats.
- 7451 **17.** Perform all duties related to land division and condominium plat
 7452 review and approval as specified in Chapter 75, Dane County Code.
- 7453 **18.** Perform all duties related to mineral extraction reclamation plans
 7454 assigned to the zoning administrator under Chapter 74, Dane
 7455 County Code.
- 7456 **19.** Perform all duties related to rural addressing and road naming under
 7457 Chapter 76, Dane County Code.
- 7458 **20.** Perform all duties related to height limitations near the Dane County
 7459 Regional Airport under Chapter 78, Dane County Code.

7460 (2) Zoning and Land Regulations Committee

- 7461 **(a) Authority.**
 7462 The zoning and land regulations committee shall have all authority,
 7463 powers and duties as described in Chapters 33, 59, 87, 88, 236, 281
 7464 and 295, Wisconsin Statutes, and in Chapters 7, 10, 11, 13, 14, 17,
 7465 74 and 75, Dane County Code.
- 7466 **(b) Appointment.**
 7467 The county board chair shall appoint zoning and land regulations
 7468 committee members pursuant to s. 7.12, Dane County Code.
- 7469 **(c) Powers and Duties**
 7470 The zoning committee shall have the following powers and duties:
- 7471 **1.** All powers and duties described in s.7.12, Dane County Code.
- 7472 **2.** Conduct public hearings in accordance with s. 59.69(2)(e), Chapter
 7473 985, Wis. Stats. and Chapters 7 and 10, Dane County Code.
- 7474 **3.** Review and decide on requests for conditional use permits,
 7475 including associated site plans where required, following the
 7476 procedures in s. 10.101(7).
- 7477 **4.** Advise the County Board on appropriate amendments to the text of
 7478 this chapter or to the Official Zoning Map, following procedures
 7479 established under §59.69, Wis. Stats., and in ss. 10.101(8) and
 7480 10.400.
- 7481 **5.** Establish rules and procedures for committee meetings and public
 7482 hearings under Chapter 7, Dane County Code.
- 7483 **6.** Perform all duties, related to land division review, including approval
 7484 of subdivision plats assigned to the zoning committee under Chapter
 7485 75, Dane County Code.
- 7486 **7.** Review and approve waivers for landscaping standards for
 7487 manufactured home communities under s. 10.103(14)(f).

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8. Review and issue annual licenses for salvage yards and junkyards under s. 10.103(17)(c).
 9. Review and approve Planned Unit Development applications under s. 10.291.
 10. Review and approve replacement of vegetation or clear zone waivers in the Historic Overlay district under s. 10.302(4).

7494 (3) Town Government

7495 (a) Authority.

7496 Town boards of supervisors generally have powers as described in
7497 Chapter 60, ss. 59.69(5) and 59.69(5m), Wis. Stats.

7498 (b) Powers and Duties

7499 Town boards shall have the following powers and duties related to this
7500 ordinance:

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1. Adoption of the county zoning ordinance under s. 59.69(5), Wis. Stats.
 2. Withdrawal from county zoning under s. 59.69(5m), Wis. Stats.
 3. Review, approval and denial of conditional use permits under s. 10.101(7)(c).
 4. Review, objection and comment on rezoning petitions and ordinance amendments under s. 59.69(5), Wis. Stats.
 5. Adoption of town comprehensive plans under ss. 66.1001, 60.23(33) and 62.23, Wis. Stats. and Chapter 82, Dane County code.
 6. Receipt of agricultural entertainment, tourism or assembly plans under s. 10.103(3).
 7. Receipt of outdoor assembly event plans under s. 10.103(16).
 8. Licensing of salvage yards or junkyards under s. 10.103(17)(c).
 9. Planned Unit Development review under s. 10.291.

7516 (4) County Board of Supervisors

7517 (a) Authority.

7518 The Dane County Board of Supervisors generally has all powers and duties as
7519 described in Chapter 59, Wis. Stats. and Chapters 6 , 7 and 10, Dane County
7520 Code.

7521 (b) Powers and Duties

7522 The county board of supervisors has the following specific powers and duties
7523 related to this ordinance.

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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

7533 Preservation Plan under Chapter 91, Wis. Stats. ad Chapter 82,
7534 Dane County Code.
7535 5. Adoption of town comprehensive plans under s. 10.004(9) and
7536 Chapter 82, Dane County Code.
7537 6. Approval of Planned Unit Development General Development and
7538 Specific Implementation Plans under s. 10.291(5).

7539 (5) County Executive
7540 (a) Authority
7541 The Dane County Executive generally has all powers and duties as described in
7542 s. 59.17, Wis. Stats.
7543 (b) Powers and Duties
7544 The county executive has the following specific powers and duties related to this
7545 ordinance:
7546 1. Approval or veto of rezone petitions and ordinance amendments
7547 under ss. 10.101(7), 10.400 and s. 59.17(6), Wis. Stats.
7548 2. Appointment of zoning administrator and other administrative staff.

7549 (6) Board of Adjustment
7550 (a) Authority
7551 The Board of Adjustment generally has all powers and duties as described in ss.
7552 59.694, Wis. Stats.
7553 (b) Powers and Duties
7554 The Board of Adjustment has the following specific powers and duties related to
7555 this ordinance, and other land use ordinances of Dane County.
7556 1. Hearing and deciding appeals of conditional use permit decisions
7557 under s. 10.101(7)(c)4.
7558 2. Hearing and deciding appeals of administrative decisions under s.
7559 10.101(9) and Chapters 11, 14 and 17, Dane County Code.
7560 3. Hearing and deciding variances under s. 10.101(10) and Chapters
7561 11, 14and 17, Dane County Code.
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7563 10.600. Reserved for future use.
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7565 10.700. Reserved for future use.

7566 | 10.800. Subchapter II: Sign Regulations

7567 | (1) Title.

7568 | This subchapter shall be known as “The Dane County Sign Ordinance.”

7569 | (2) Purpose.

7570 | The purpose of this Ordinance is to regulate the number, location, size, type,
7571 | illumination, and other physical characteristics of signs within Dane County in a
7572 | manner that preserves the right of free speech and expression, and promotes
7573 | public safety, preservation of scenic beauty, and the implementation of the
7574 | desired overall character of the community and its constituent zoning districts.

7575 | (3) Applicability.

7576 | The requirements and provisions of this subchapter shall apply to all signs that
7577 | are erected, relocated, structurally altered, maintained or reconstructed after the
7578 | effective date of this Ordinance. It shall be unlawful and in violation for any
7579 | person to erect, relocate, structurally alter, maintain, or reconstruct any sign;
7580 | except in compliance with the requirements of this section.

7581 | (4) Severability.

7582 | Should any section, clause or provision of this subchapter be declared by the
7583 | courts to be invalid, the same shall not affect the validity of this subchapter as a
7584 | whole or any part thereof, other than the part so declared to be invalid.

7585 | (5) Substitution.

7586 | Any sign authorized by this Ordinance may contain a noncommercial message,
7587 | subject to the same regulations applicable to such signs.
7588 |

7589 | 10.801. Definitions.

7590 | As used in this section, the following words shall have the definitions
7591 | indicated:

7592 | (1) Sign.

7593 | Any object, device, display, structure or part thereof, situated outdoors, which is
7594 | used to advertise, identify, display, direct or attract attention to an object, person,
7595 | institution, organization, business, product, service, event or location by any
7596 | means, including words, letters, figures, designs, symbols, fixtures, colors,
7597 | illumination or projected images.

7598 | (2) Abandoned sign.

7599 | A sign is abandoned if a business advertised on that sign is no longer doing
7600 | business at that location.

7601 | (3) Air dancer.

7602 | An inflatable object, with or without text, that moves and is designed to attract
7603 | attention.

- 7604 (4) Apartment complex sign.
7605 A sign that provides identification for an apartment complex on which the sign is
7606 located.
- 7607 (5) Appendage sign.
7608 An additional sign mounted above or hung below the primary sign face.
- 7609 (6) Auxiliary sign.
7610 A sign mounted separately and apart from the primary sign
- 7611 (7) Awning sign.
7612 A sign painted or installed on an awning.
- 7613 (8) Back-to-back sign.
7614 Signs that are mounted back to back with the sign faces in opposing directions
7615 or on a 'v-shaped' frame with an internal angle of less than 40. 'V-shaped' frame
7616 signs with an internal angle larger than 40 shall be considered side-by-side signs.
- 7617 (9) Billboard.
7618 An off-premise advertising sign with a copy area greater than 96 square feet.
- 7619 (10) Directional sign.
7620 An on-premise auxiliary sign which provides direction for pedestrian or vehicular
7621 traffic, e.g., enter, exit, parking, or location of any place or area on the same
7622 premise.
- 7623 (11) Double decked sign.
7624 Billboards or directory signs which are mounted one above the other.
- 7625 (12) Electronic message sign.
7626 Any sign, which may or may not include text, where the sign face is
7627 electronically programmed and can be modified by electronic processes including
7628 television, plasma, and digital screens, holographic displays, multi-vision slatted
7629 signs, and other similar media.
- 7630 (13) Feather flag or feather banner.
7631 A sign shaped like a feather or is rectangular in shape designed to move, and
7632 that is not permanently attached to the ground.
- 7633 (14) Graphic sign.
7634 A sign which is an integral part of a building façade. The sign is painted directly
7635 on or otherwise permanently embedded in the façade.
- 7636 (15) Ground.
7637 The average elevation of the ground upon which the sign supports are
7638 placed, except when the sign supports rest upon a berm or other area
7639 elevated above the surrounding ground. In such cases, the average

7640 elevation of the base of such berm or other area shall be considered as
7641 the ground.

7642 (16) Ground sign.
7643 A freestanding sign mounted on supports or uprights and whose bottom edge is
7644 less than 8 feet above the ground. A monument sign is a type of ground sign and
7645 is a two-sided sign attached to a permanent foundation or decorative base and
7646 not attached or dependent on support from any building, pole, posts or similar
7647 uprights.

7648 (17) Intersection.
7649 The point at which the right-of-way lines meet or, for highway interchanges, the
7650 beginning and ending points of the on and off ramps. A “t” intersection shall be
7651 considered the same as a four-way intersection in the determination of the
7652 required distance of signs from said intersection.

7653 (18) Logo.
7654 An emblem, symbol or trademark identification placed on signs.

7655 (19) Marquee sign.
7656 A sign mounted on an overhanging canopy of a theater, auditorium, fairground,
7657 museum or other such use.

7658 (20) Mobile sign
7659 Signs attached to or painted on vehicles/trailers and parked in a position and
7660 location with the primary purpose of displaying the sign.

7661 (21) Nit.
7662 A measurement of visible light intensity used to specify brightness.

7663 (22) Obscene.
7664 Matter which appeals to a prurient interest in sex, as determined by
7665 contemporary community standards or portrays sexual conduct in a patently
7666 offensive way, lacking any artistic or scientific value.

7667 (23) Off-premise advertising sign.
7668 A sign which directs attention to a business, commodity, service or
7669 entertainment conducted, sold or offered elsewhere other than upon the
7670 premises where the sign is displayed.

7671 (24) On-premise advertising sign.
7672 A sign which directs attention to a business, commodity, service or
7673 entertainment sold, offered or conducted on the same premises that the sign is
7674 located.

7675 (25) Private property protection sign.
7676 A sign posted on private property in order to deny entry to the general public,
7677 pursuant to s. 943.13, Wis. Stats.

- 7678 (26) Projecting sign.
7679 An on-premise sign advertising sign, other than a wall sign which is attached to
7680 and projects out from a wall or a building.
- 7681 (27) Pylon sign.
7682 A freestanding sign erected upon one or more pylons or posts the bottom edge
7683 of which is greater than eight feet above ground level.
- 7684 (28) Road classification.
7685 The system of classifying roads, according to the following:
7686 (a) Class A – All federal and state highways and designated county
7687 highways
7688 (b) Class B – All county highways except those designated as class A
7689 (c) Class C – All town roads
- 7690 (29) Side-by-side signs.
7691 Two or more signs mounted adjacently on the same structure. Signs mounted
7692 on a 'v-shaped' frame that has an internal angle larger than 40 shall be
7693 considered side-by-side signs.
- 7694 (30) Sign area.
7695 The total area which may be used for display of advertising, message,
7696 announcement, etc.
- 7697 (31) Sign face.
7698 Sign prepared with the background as part of the face.
- 7699 (32) Temporary signs.
7700 Signs which are installed for a limited time period for any purpose. A
7701 permanently mounted sign shall not be considered as temporary even though the
7702 message displayed is subject to periodic changes.
- 7703 (33) Trim.
7704 A separate border or framing around the copy area of a sign.
- 7705 (34) V-shaped frame.
7706 A sign support structure which will accommodate two signs in a back-to-back
7707 position with one end of each sign mounted on a common support with the other
7708 sign. The other ends of the signs are mounted on separate, individual supports.
- 7709 (35) Vehicle sign.
7710 Vehicles with signs mounted or painted on them parked off-premise for the
7711 purpose of advertising rather than transportation.
- 7712 (36) Vision clearance triangle.
7713 An unoccupied triangular space at an intersection. The triangle is formed by
7714 connecting the point where each right-of-way line intersects and two points

7715 located at a distance equal to the right-of-way setback distance along each right-
7716 of-way line.

7717 (37) Wall sign.

7718 A sign mounted on and parallel to a building wall or other vertical building
7719 surface. Signs on the sides of a service station pump island roof structure shall
7720 be considered wall signs.
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7722 10.802. Standards and Requirements for Signs in All Zoning Districts

7723 (1) Prohibited signs.

7724 The following signs are prohibited in any zoning district:

- 7725 (a) Abandoned signs.
- 7726 (b) Electronic message signs, except as provided in this section.
- 7727 (c) Double-decker signs
- 7728 (d) Graphic signs.
- 7729 (e) Inflatable signs.
- 7730 (f) Air dancers.
- 7731 (g) Feather flags.
- 7732 (h) Mobile signs.
- 7733 (i) Portable signs.
- 7734 (j) Noise making, steam emitting, or odor emitting signs.
- 7735 (k) Obscene signs.
- 7736 (l) Roof signs.
- 7737 (m) Signs that block ingress or egress. Any sign that is placed or
7738 maintained so as to interfere with free ingress to or egress from any
7739 door, window, fire escape or parking lot.
- 7740 (n) Signs that employ any parts or elements that revolve, rotate, whirl,
7741 spin, flash or otherwise make use of mechanical, human or electronic
7742 derived motion, to attract attention.
- 7743 (o) Signs that imitate or resemble any official traffic sign, signal or device.
- 7744 (p) Signs on street trees.
- 7745 (q) Signs on utility poles, electrical boxes, traffic control devices, or other
7746 public utilities.

7747 (2) Computation and Rules of Measurement.

- 7748 (a) Measurement of sign area. For purposes of determining compliance
7749 with the sign area requirements of this ordinance, sign area shall be
7750 calculated as follows:
 - 7751 1. Measurement of a ground or pylon sign shall be of the sign face
7752 excluding the necessary supports or uprights on which the sign in
7753 placed.
 - 7754 2. Sign faces. Where a sign has 2 faces, the area of all faces shall be
7755 included in determining the area of the sign, except where 2 such
7756 faces are placed back to back. The area of the sign shall be taken

7757 as the area of one face if the 2 faces are of equal area, or as the
7758 area of the larger face if the 2 faces are of unequal area. No sign
7759 shall have more than 2 faces.

7760 3. For wall signs, measurement will be of the sign copy area only.

7761 (3) Copy area.

7762 The copy area of signs which have a face, border or trim shall consist of the
7763 entire surface area of the sign on which copy could be placed. Copy area of a
7764 sign whose message is applied to a background which provides no face, border
7765 or trim shall be the area of the smallest rectangle which can encompass
7766 emblems and other elements of the sign message.

7767 (4) Location standards for all signs.

7768 (a) View blockage. No sign shall be placed in a way that blocks any part
7769 of a driver's or pedestrian's vision of the road, road intersection,
7770 crosswalk, vision clearance triangle, authorized traffic sign or device,
7771 or any other public transportation mechanism.

7772 (b) Driveway blockage. No sign may block or interfere with the visibility for
7773 ingress or egress of a driveway. All signs, except auxiliary signs, if
7774 within 20 feet of driveway ingress or egress, shall provide a minimum
7775 of 6 feet of clearance between ground level and the bottom edge of
7776 the sign.

7777 (c) Vision triangle. No sign shall be located within a vision clearance
7778 triangle.

7779 (d) Road right-of-way setback requirements.

7780 1. No sign shall be located within a road right-of-way.

7781 2. All signs shall be setback not less than 5 feet from the right-of-way
7782 line, the property line, or permanent highway easement, whichever
7783 is greater.

7784 (e) Side and rear yard setback requirements. All signs shall be setback
7785 not less than 5 feet from any side or rear yard, the right-of-way line,
7786 property line, or permanent highway easement, whichever is greater.

7787 (f) Billboards may not be located within 300 feet of existing on-premise
7788 sign or other billboard signs.

7789 (g) Off-premise sign may not be installed within the limits of a curve.

7790 (h) Projecting signs may not be located directly over a public or private
7791 street, drive or parking area.

7792 (i) Off-Premise signs may not be located within 300 feet of on-premise
7793 advertising signs.

7794 (j) On-Premise Advertising Signs shall be mounted flush against the
7795 dwelling or building in which the business is located.

7796 (k) Buildings which contain multiple businesses shall share the maximum
7797 wall sign allowance by dividing the maximum area by the number of
7798 proposed businesses. All business may be afforded a maximum wall
7799 sign of 20 square feet, if greater than the maximum wall sign limit for
7800 the building.

7801 (l) No sign shall be installed on a roof.

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(m) No sign may be located within a permanently protected green space area or mapped wetland area.

(5) Design Standards

- (a)** No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type or traffic control-type sign designs and colors. No sign may be installed at any location where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any official traffic control sign, signal or device.
- (b)** Signs, as permitted, shall be professionally designed, constructed and installed.
- (c)** Graphics. The lettering on a sign shall be clearly legible and in scale with the sign surface upon which it is placed.
- (d)** Materials. Signs shall be constructed of materials which are of appropriate quality and durability.
- (e)** Smooth sign face. No nails, tacks or wires shall be permitted to protrude from the front of the sign.
- (f)** Illumination. All externally illuminated signs shall comply with the following standards.
 - 1. Light, number and direction. Signs that are illuminated from an external source shall have a maximum of 4 external lights directed at only the copy area from a downward angle attached to the top of the sign or sign structure. No externally illuminated sign shall be up-lit or utilize light directed from the ground towards the copy area.
 - 2. Glare. Light sources shall be effectively shielded to prevent beams or rays of light from being directed at any portion of a road or right-of-way that are of such intensity or brilliance as to cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle.
 - 3. All light sources to illuminate signs, internal or external, shall be shielded from all adjacent buildings and rights-of-way. Light sources shall not be of such brightness so as to cause glare hazardous to the motoring public or adjacent buildings.
 - 4. No sign shall use flashing, moving, reflecting, or changing light sources. Illuminated signs or lighting devices shall employ only a light of constant intensity.
- (g)** Electronic message sign design. Changing copy and electronic message signs must meet the following requirements.
 - 1. On-premises ground and pylon signs shall be the only type of sign that may incorporate electronic message components to the sign's copy area.
 - 2. Electronic message boards are prohibited on the exterior walls of buildings.
 - 3. The electronic message shall not be changed more than once

- 7848 every 6 seconds.
7849 4. Malfunction. In the event of a malfunction in any portion of the
7850 electronic message sign, the sign shall be turned off upon
7851 malfunction until the malfunction is corrected.
7852 5. Nits. Electronic message sign copy areas shall not exceed a
7853 maximum illumination of 5000 nits during daylight hours and 500
7854 nits between dusk to dawn as measured from the sign's face at
7855 maximum brightness.
7856 6. Dimming. All electronic message signs shall be equipped with and
7857 shall use photosensitive mechanisms to automatically adjust sign
7858 brightness and contrast based on ambient light conditions.

7859 (6) Maintenance

- 7860 (a) All signs within the jurisdiction of this ordinance shall remain in a state
7861 of proper maintenance. Proper maintenance shall be the absence of
7862 loose materials including peeling paint, paper or other material,
7863 prevention of excessive rust, the prevention of excessive vibration or
7864 shaking and the maintenance of the original structural integrity of the
7865 sign, frame and other supports, its mounting and all components
7866 thereof.
7867 (b) Signs found to be in violation of the provisions of this section shall be
7868 repaired or removed.

7869 10.803. Signs Allowed Without a Permit.

7870 (1) Exempt Signs.

7871 The following are exempt from all provisions of this ordinance.

- 7872 (a) Address, numbers and dwelling unit nameplates.
7873 (b) Directional signs.
7874 (c) Gravestones, symbols or monuments in cemeteries or monument
7875 sales lots.
7876 (d) Murals which are a design or representation painted on the exterior
7877 surface of a structure that do not advertise a business, product,
7878 service or activity.
7879 (e) Signs accessory to juvenile activities, such as a child's lemonade
7880 stand or temporary play-related sidewalk markings.
7881 (f) Scoreboards and signs on fences and other structures accessory to
7882 athletic fields.
7883 (g) Signage which is an integral part of the original construction of
7884 vending or similar machines.
7885 (h) Signs required by other codes, public safety, health and welfare, of
7886 specifications required by other code or required by this ordinance.
7887 (i) Flag or emblem of any nation, organization of nations, or other
7888 governmental or municipal agencies or unit.
7889 (j) Signs posted and owned by a municipality, the State of Wisconsin or
7890 a Federal Agency.
7891 (k) Displays within the confines of a building.

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- (l)** Traffic control devices.
- (2) The following signs are permitted without requirement for a permit, subject to any listed standards.
 - (a)** On-Premise Advertising signs located in all agricultural districts provided that such signs have a maximum size of 32 feet.
 - (b)** Signs in commercial districts where the parcel's use includes a drive-through is permitted to have up to 2 ground signs per drive through lane that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of 8 feet and a maximum area of 32 square feet per drive-through use.
 - (c)** Auxiliary signs posted pursuant to Wis. Stat. § 346.55 shall have a maximum size of 32 square feet, shall be erected to a height not to exceed 6 feet, with no more than 2 signs per parking lot. Such signs shall be located on the parking lot of the business advertised on the sign.
 - (d)** Private property protection signs.
 - (e)** Private property protection signs shall have a maximum size of 1.5 square feet.
 - (f)** Service station island signs.
 - 1. Automobile service stations shall be permitted incidental signs and/or symbols at fuel pumps and service station islands only.
 - 2. The maximum total area of signage at each service island (includes fuel pumps) shall not exceed 3 square feet.
- (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.
 - (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 concurrently.
 - (g)** Inflatable signs/objects, air dancers, or feather flags shall be prohibited as temporary signs.

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10.804. Signs allowed with a permit.
The following signs may be permitted in certain zoning districts as shown in the following Table 1 subject to the approval of a zoning permit and the sign design limitations applicable to each type of sign.

(1) Table 1: Signs Permitted with a Permit by Zoning District

Zoning district category	Zoning District	On-Premises					Off-Premises
		Wall signs	Projecting & Marquee signs	Ground signs < 8' off ground	Pylon signs (> 8' off ground)	Electronic message signs*	Billboards
Natural Resource & Recreational	NR-C						
	RE	X	X	X	X		
Farmland Preservation	FP-1						
	FP-35			X			
	FP-B	X	X	X	X		
Rural Mixed Use & Transitional	AT-35			X			
	AT-B			X	X		
	RM-8			X			
	RM-16			X			
Rural Residential	RR-1						
	RR-2						
	RR-4						
	RR-8						
Residential	SFR-08						
	SFR-1						
	TFR-08						
	MFR-08			X			
Hamlet	HAM-R						
	HAM-M	X	X	X			
Commercial	LC	X		X			
	GC	X	X	X	X	X	
	HC	X	X	X	X	X	X
Processing, Manufacturing & Industrial	RI	X	X	X	X	X	
	MI	X	X	X	X	X	X
Special Use	PUD	Determined as part of site plan review by Z.A.					

* On-premises ground and pylon signs, are the only types of signs that may incorporate electronic message components to the sign's copy area.

7939 (2) Auxiliary signs.
7940 Auxiliary signs are allowed in all Zoning Districts.

7941 (3) Awning signs.
7942 Awning signs are treated the same as Wall signs.

7943 (4) On-premise ground signs.
7944 On-premise ground signs are subject to the area and placement regulations of
7945 the following Table 2 and the design standards of this section.

(a) Table 2: Dimension and Location Standards for On-Premise Ground Signs

Use	Zoning District	Number Permitted	0-45 mph		46+ mph		Minimum Setbacks (ft.)	
			Per road frontage	Max area sq. ft.	Max height ft.	Max area sq. ft.	Max height ft.	From lot line
Natural Resource & Recreational	RE	1	32	10	32	16	5	25
Farmland Preservation	FP-35	1*	32	6	32	10	5	25
	FP-B	1*	32	10	64	16	5	25
Rural Mixed Use & Transitional	AT-35	1*	32	6	64	10	5	25
	AT-B	1*	32	10	64	16	5	25
	RM-8	1*	32	10	32	16	5	25
	RM-16	1*	32	10	32	16	5	25
Residential	MFR-08	1	32	8	32	12	5	25
Hamlet	HAM-M	1	32	8	64	12	5	25
Commercial	LC	1	32	8	64	12	5	25
	GC	1	32	12	64	16	5	25
	HC	1	32	12	64	16	5	50
Processing, Manufacturing & Industrial	RI	1	32	12	64	16	5	100
	MI	1	32	12	64	16	5	100

* Crop signs shall have a maximum size of 3 square feet and be erected to a height not to exceed 10 feet. There shall not be more than one sign per row of crop.

7949 (b) Monument base required. It is encouraged that ground signs in the
7950 county shall be low-level monument ground signs.
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7952 (5) On-premise pylon signs.

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On-premise pylon signs are subject to the area and placement regulations of the following Table 3.

(a) Table 3: Dimension and Location Standards for On-Premise Pylon Signs

Use	Zoning District	Number Permitted	Maximum Area (sq. ft.)		Maximum Height (ft.)		Minimum Setbacks	
			Per parcel	0-45 mph	46+ mph	0-45 mph	46+ mph	From lot line
Recreational	RE	1	100	200	25	50	5	25
Farmland Preservation	FP-B	1	100	200	25	50	5	25
Rural Mixed Use & Transitional	AT-B	1	100	200	25	50	5	25
Commercial	GC	1	100	200	25	50	5	25
	HC	1	100	300	35	50	5	50
Processing, Manufacturing & Industrial	RI	1	100	300	35	50	5	100
	MI	1	100	300	35	50	5	100

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(6) On-premise wall signs.
Wall signs are subject to the design standards of the following Table 4.

(a) Table 4: Dimension and Location Standards for Wall Signs

Use	Zoning District	Maximum Area (sq. ft.)		Maximum Height (sq. ft.)		Number of Signs Permitted per Building		
		0-45 mph	46+ mph	0-45 mph	46+ mph*	Number of road frontages on zoning lot		
						1	2**	3**
Farmland Preservation	FP-B	100	300	20	50	2	3	4
Rural Mixed Use & Transitional	AT-B	100	300	20	50	2	3	4
Hamlet	HAM-M	100	300	20	50	2	3	4
Commercial	LC, GC, HC	100	300	20	50	2	3	4
Processing, Manufacturing & Industrial	RI, MI	100	300	20	50	2	3	4
Special Use	PUD	Determined as part of site plan review by Z.A.						

*	For buildings 6 stories or more in height, a wall sign may also be located within 20 feet of the top of the building.
**	The maximum size and height of signs on zoning lots with 2 or more road frontages shall be determined by reference to the nearest adjacent road.
In no event shall there be more than two walls signs on any one side of the building. Wall signs shall be located only on the building containing the business advertised on the sign.	

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(b) Design standards.

1. Wall Signs. Wall signs shall not project more than 1 foot from the building wall to which it is attached and shall be set back from the end of the building, or party wall line for a distance of at least 3 feet and shall not project above the building wall. Wall signs may be internally or externally illuminated only in the GC, HC and MI zoning districts.
2. Projecting signs shall have a maximum size of 100 square feet and be installed to a height not to exceed 15 feet. Such signs shall be located on the building containing the business advertised on the sign. Projecting signs shall not extend more than 3 feet from the face of a building and the lowest portion of such signs shall not be less than 8 feet above the finished grade of a sidewalk or other pedestrian way.
3. Marquee signs shall have a maximum size of 300 square feet and be erected to a height not to exceed 20 feet, with no more than 3 sides. Such signs shall be located on the building containing the business advertised on the sign.

(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)** 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.
- (f)** A billboard whose bottom edge is 8 feet or higher above the centerline elevation of adjacent roads may be located up to the vision triangle line.

7997 10.805. Nonconforming Signs and Use

7998 (1) Nonconforming signs.

7999 Signs existing prior to the effective date of this ordinance which do not conform to

8000 the provisions of the ordinance shall be nonconforming signs.

8001 (a) Nonconforming signs shall not be rebuilt, altered or moved to a new

8002 location without being brought into compliance with the requirements

8003 of this ordinance.

8004 (b) Routine maintenance of a sign is permitted unless the cost exceeds

8005 50% of the current value of the sign, if the maintenance cost is more

8006 than 50% of the value of the sign said sign shall be considered rebuilt.

8007 (2) Signs advertising a nonconforming use.

8008 Signs advertising a nonconforming use may be continued but such signs shall

8009 not expand in number, copy area, height or illumination. New signs may be

8010 erected only upon the complete removal of all nonconforming signs.

8011 (3) New copy.

8012 Replacement of new skin (printed or painted surface of copy face), must contain

8013 the same message. A different message will be considered a new sign, and as

8014 such, it must meet current code requirements.

8015 (4) Change of use.

8016 Nonconforming signs shall be brought into compliance or removed when the

8017 principal use of the premises is changed to a different use.

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8019 10.806. Administration.

8020 (1) Variances.

8021 (a) Variances from the requirements of this subchapter may be granted

8022 by the Board of Adjustment (BOA) upon application to and payment of

8023 a fee to the zoning administrator. Variances are limited as specified in

8024 this section.

8025 1. Variances may be granted from the maximums of height or area

8026 (but not both) for all signs regulated by this ordinance, except as

8027 limited by this section.

8028 2. Variances to maximum of height or area may not exceed

8029 maximums specified in this chapter by more than 20%.

8030 3. Variances may not be granted to maximum height, to maximum

8031 area or to minimum separation requirements for off-premise

8032 advertising signs.

8033 (b) Variance Standards. Unnecessary hardship must be found as

8034 distinguished from a mere inconvenience. The finding of a hardship

8035 shall take into consideration the particular physical surroundings,

8036 shape or topographical conditions of the specific property involved.

8037 1. The conditions upon which the application for a variance is based

- 8038 would not be applicable generally to other property similarly
8039 situated.
- 8040 2. The purpose of the variance is not based exclusively upon a desire
8041 for economic or other material gain by the applicant or owner.
 - 8042 3. The alleged hardship or difficulty is caused by this ordinance and
8043 has not been created by any person presently having an interest in
8044 the property.
 - 8045 4. The granting of the variance will not be detrimental to the public
8046 welfare, or injurious to other property or improvements in the
8047 neighborhood in which the property is located.
 - 8048 5. The proposed variance will not impair an adequate supply of light
8049 and air to adjacent property, endanger the public safety or
8050 substantially diminish or impair property values within the
8051 neighborhood.
- 8052 (c) Conditions on variances. The committee may impose such conditions
8053 or restrictions upon the sign and premises benefited by a variance as
8054 may be necessary to comply with the above standards to reduce or
8055 minimize the injurious effect of such variance upon other property in
8056 the neighborhood and to better carry out the general intent of this
8057 ordinance.

8058 (2) Applications and Permits

- 8059 (a) Application form. The applicant must fill out an application form
8060 including a site plan showing all of the following:
- 8061 1. Lot. The location and dimensions of the property's boundary lines;
 - 8062 2. Buildings. The location of all the buildings and structures on the
8063 lot;
 - 8064 3. Existing signage. The location, dimensions, and description of all
8065 existing signage on the property;
 - 8066 4. Proposed signage. The sign design and layout proposed, including
8067 total area of the sign(s), sign height, character and materials.
 - 8068 5. Illumination. For illuminated signs, the method of illumination, the
8069 number and type of lamps and lens material and the statement
8070 that the illumination of each sign will comply with the provisions of
8071 Section 10.802(4)(f).
 - 8072 6. Elevations. Elevations and specifications for proposed signs,
8073 including proposed landscaping for ground signs. If a sign is
8074 proposed to be on a wall, then the entire wall that such sign will be
8075 attached to must be depicted showing the location of the sign on
8076 said wall.
 - 8077 7. Construction details. Details and specifications for construction,
8078 erection and attachment as may be required by the Zoning
8079 Administrator;
 - 8080 8. The name of the sign contractor or company responsible for
8081 construction of the sign;
 - 8082 9. Other information. All other information deemed pertinent by the
8083 Zoning Administrator or designee thereof.

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- (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)

[EXPLANATION: This amendment repeals the existing zoning ordinance and reenacts a comprehensive revision thereto pursuant to Wis. Stat. § 59.69(5)(d). A document that highlights all new or changed language from the previous Zoning Ordinance is attached hereto for reference.]