TITLE 2a
ZONING

Chapter 10 Zoning
Chapter 11 Shoreland, Shoreland-Wetland And Inland-Wetland Regulations
Chapter 12 Zoning Fees
Chapter 13 Minimum Standards For Water Quality
Chapter 14 Manure Storage

CHAPTER 10
ZONING ORDINANCE

10.01 Definitions.
10.02 Districts.
10.03 Zoning District Maps.
10.04 Restrictions Upon Lands, Buildings and Structures.
10.045 NCO Noise Control Overlay District.
10.05 R-1 Residence District.
10.051 R-1A Residence District.
10.06 R-2 Residence District.
10.07 R-3 Residence District.
10.071 R-3A Residence District.
10.08 R-4 Residence District.
10.09 RH-1 Rural Homes District.
10.091 RH-2 Rural Homes District.
10.092 RH-3 Rural Homes District.
10.093 RH-4 Rural Homes District.
10.10 RE-1 Recreational District.
10.11 B-1 Local Business District.
10.111 LC-1 Limited Commercial District.
10.12 A-1 Agriculture District.
10.121 A-B Agriculture Business District.
10.122 A-Ba Transitional Agriculture Business District.
10.123 A-1 Exclusive Agriculture [A-1(EX)] District.
10.126 A-2 Agriculture District.
10.127 A-3 Agriculture District.
10.129 A-4 Small Lot Agriculture District.
10.13 C-1 Commercial District.
10.14 C-2 Commercial District.
10.145 EXP-1 Exposition District.
10.15 M-1 Industrial District.
10.151 AED Adult Entertainment Overlay District.
10.153 PUD Planned Unit Development District.
10.155 CO-1 Conservancy District.
10.157 HD Historic Overlay District.
10.158 TDR-S Transfer of Development Rights Sending Area Overlay District.
10.159 TDR-R Transfer of Development Rights Receiving Area Overlay District.
10.16 General Provisions and Exceptions.
10.17 Setback Regulations.
10.18 Off-Street Parking and Loading.
[10.19 reserved.]
10.191 Procedure and Standards of Operation For Mineral Extraction Operations.
10.192 Procedure And Standards Of Operation For Limited Family Business.
10.193 Standards For Siting of Adult Book Store.
10.194 Procedure And Standards For The Placement, Construction or Modification of Communication Towers.
10.195 Standards for Keeping Domestic Fowl in Single Family Residential Yards.
10.196 Standards and Procedures for Wind Energy Systems.
10.20 Salvage Recycling Centers.
10.21 Nonconforming Uses.
10.22 Interpretation and Application.
10.23 Completion, Restoration or Enlargement of Existing Structures.
10.24 Changes and Amendments.
10.25 Administration, Enforcement and Penalties.
10.255 Zoning Committee.
10.26 Board of Adjustment.
10.27 Severability of Ordinance Provisions.
10.28 Repeal of Conflicting Provisions.
10.29 Effective Date.
[10.30 - 10.69 reserved.]

SUBCHAPTER II

10.70 Subchapter; Purpose.
10.71 Definitions.
10.72 Permitted Zoning Districts for Signs.
10.73 General Sign Regulations.
10.74 Specific Regulations For Various Types Of Signs.
10.75 Calculation Of Height Regulations.
10.76 Design Requirements.
10.77 Locational Regulations.
10.78 Intersection Regulations.
10.79 Sign Maintenance Regulations.
10.80 Marquee Signs.
10.81 Political Signs.
10.82 Real Estate Sign Regulations.
10.83 Set Back Regulations.
10.84 Wall Sign Regulations.
10.85 Subdivision Sign Regulations.
10.86 Temporary Sign Regulations.
10.87 Regulations Pertaining to Nonconforming Signs and Use.
10.88 Variances.
10.89 Variance Standards.
10.90 Conditions On Variances.
10.91 Applications And Permits.
10.92 Penalties.
10.93 Severability.

10.01 DEFINITIONS. For the purposes of this chapter certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section or elsewhere in the ordinance shall be construed by resort to the following, in order of preference: Wisconsin Statutes; Wisconsin zoning case law; other states' zoning case law; the dictionary; and common usage.

(1) *Accessory building.* A subordinate or supplemental building, the use of which is incidental to that of the main building on the same lot or the use of the premises on which it is located.

(2) *Accessory use.* A use customarily incidental and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

(2a) *Agricultural use.* Means any of the following activities conducted for the purpose of producing an income or livelihood:

(a) Crop or forage production.

(b) Keeping livestock.

(c) Beekeeping.

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

(e) Floriculture.

(f) Aquaculture.

(g) Fur farming.

(h) Forest management.

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

(2b) *Agricultural Accessory Use.* Means any of the following land uses on a farm:

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

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

(c) Farm Residence.

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

(2c) *Agriculture-Related Use.* A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose:

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

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

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

(2d) *Agricultural accessory building.* Means a building or buildings used in the operation of a farm.

(2f) *Agricultural entertainment.* A farm based activity, enterprise, or business that combines the elements and characteristics of agriculture and tourism, which is not necessarily located in an existing building and may have more than one (1) full-time equivalent employee. Examples of agricultural entertainment include: corn mazes, hay rides, sleigh rides, petting farms, on-farm tours, agricultural related museums, demonstrations of farming practices, techniques and methods, fee based fishing and hunting, horseback riding, nature trails, haunted barns and similar activities which are related to agriculture.

(2k) *Adopted town and county comprehensive plan* means a town comprehensive plan adopted by both the affected town board and the Dane County Board of Supervisors under s. 66.1001, Wis. Stats., and s. 10.255(1)(d) and Chapter 82, Subchapter II, Dane County Ordinances.

(2m) *Adult book store* is an establishment which is used for selling or renting, for monetary consideration, the following materials, when such activity constitutes a significant part of the business conducted therein:

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

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

(c) As used in paragraphs (a) and (b), *sexual conduct* has the meaning set forth in s. 944.21 (2)(e), Wis. Stats., and as used in this

subsection, *significant part of the business* means dedication or use of more than 10% of the available floor space to the sale or rental of the subject matter referenced herein, including space devoted to viewing of videotapes or films.

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

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

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

(3) *Animal unit.* One animal unit shall be defined as being the equivalent of 1 cow, 4 hogs, 10 sheep, 10 goats, 100 poultry, 1 horse, 1 pony, 1 mule or 100 rabbits or an equivalent combination thereof.

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

(5) *Apartment house complex.* A group of apartment houses, located on a single parcel of land with certain facilities, such as driveways, parking spaces and the like, common to the buildings in the complex.

(5m) *Beekeeping.* Keeping of more than 1 hive for each 10,000 square feet of lot or parcel area.

(5r) *Bed & breakfast.* A private residence which has rooms set aside for overnight guests whose paid accommodations include breakfast but not other meals, as defined in Wisconsin Statutes sec. 254.61.

(6) *Boarding house.* A building or premises where meals are served by pre-arrangement for definite periods of time for compensation for five (5) or more persons, but not exceeding 20 persons, not open to transients, in contradiction to hotels and restaurants open to transients.

(6a) *Boathouse.* A building for the storage of boats, canoes and other water craft and their accessories.

(6m) *Boat slip* means a mooring accommodation for the in-water storage of a boat or other water craft which is owned by other than a resident or owner of the premises.

(7) *Building.* Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, fireplaces and chimneys. Also included for permit and locational purposes are swimming pools, both above and below ground, permanent hunting blinds with a foundation, and towers, including communication towers. Not included within the definition, for permit purposes or otherwise, are poles, towers and posts for lines carrying telephone messages or electricity and recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

(7f) *Building footprint.* The entire area of ground covered by a structure, expressed in square feet, including appurtenances such as, but not limited to, balconies, porches, decks, stoops, fireplaces, and chimneys.

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

(9) *Building line.* The *building line* shall be the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches or covered patios meet the ground. For earth sheltered homes, the *building line* is a line where the exterior walls of the building if extended vertically would be located on the lot.

(10) *Building setback line.* Is a line that is parallel to the front or street lot line and is located at a distance from either the center line of the adjacent highway or the front lot line as provided for in section 10.17 of this ordinance. For triangular or gored lots that do not have the required lot width at the required building setback line, the building setback line shall be a

line that is parallel to the front lot line or if the front lot line is a curve it shall be parallel to the chord of the arc of the curve of the front lot line and located at the point on the lot where the length of the line meets the lot width requirements of the zoning district in which it is located. (See also *Lot Width.*)

(11) *Campground.* A parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities. A primitive campground shall be any area or site designated for camping purposes which is accessible only by hiking, boating or canoeing.

(11a) *Cemetery.* Shall include, but not be limited to, cemeteries, mausoleums, columbarians and burial chapels. Shall be subject to section 157.06 of the Wisconsin Statutes.

(11m) *Clear area* means an area adjacent to and completely surrounding each and every physical structure comprising part or all of an historic site. No building or structure of any kind, whether or not a permit therefor is required under this chapter, shall be erected in the clear area and no obstacle of any kind, whether attached to an allowed structure or not, shall be placed in the airspace above the clear area, and no soil disturbance shall occur in the clear area.

(12) *Clinic.* An office or building in which dental, veterinary, medical or paramedical services are provided on an outpatient basis. Such services as laboratory, X-ray and first aid services may be provided.

(13) *Club.* An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business.

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

(15) *Committee.* The zoning and natural resources committee of the Dane County Board of Supervisors or any other committee of the Dane County Board of Supervisors designated to act as the county zoning agency and delegated the responsibility for zoning matters under sections 59.69, 59.692, 87.30 and 144.26 of the Wisconsin Statutes.

(16) *Community living arrangements.* Community living arrangement means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under section 48.60, Wis. Stats., group foster homes for children under section 48.02(7)(m), Wis. Stats., and community based residential facilities under section 50.01, Wis. Stats., but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

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

(18) *Construction equipment* shall include, but not be limited to, tractors, both wheeled and crawler types, graders, end loaders, scrapers, bulldozers, cranes, back hoes, drag lines, trucks, including dump, stake body or semi-trailer lo-boys of more than two and one-half (2-½) ton capacity, "cherry picker" vehicles and air compressors. Any of the aforementioned equipment that is used in connection with a farm operation and is not leased or contracted for use on any other property shall not be considered construction equipment.

(18a) *Contiguous.* Lots or parcels shall be considered as contiguous for the purpose of this ordinance if they share a common boundary for a distance of at least 66 feet.

(19) *Day care centers.* A place or home which provides care for four (4) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in section 48.65 of the Wisconsin Statutes.

(19a) *Dependency living arrangement* means a physical arrangement of a dwelling unit in such a fashion that separate living spaces are created within a dwelling unit for the sole purpose of allowing a dependent person to live in the secondary living area while the owner and his or her family reside in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

(19b) *Dependent* as it pertains to dependency living arrangements, is an individual who requires some assistance in the activities of daily living such as eating, dressing, bathing or ambulation.

(19d) *Development* means any activity requiring a zoning permit or certificate of compliance, including earth-disturbing activities that will lead to the installation of footings, piers, posts, pilings or foundations, as described in s. 10.25(2)(f).

(19n) *Development plan* means a scale drawing of the premises which accurately depicts the shape and dimensions of the lot or parcel, the location and dimensions of all existing and proposed buildings and other structures; the location and dimensions of all parking areas, loading areas, circulation areas, and access drives; the distance in feet between all structures, and between all structures and parking areas, abutting streets and highway rights-of-way or easements and side and rear lot lines; together with such other information as the zoning administrator deems necessary.

(19q) *Development right* means a potential new residential building site available under the policies of an adopted town and county comprehensive plan, subject to the standards of this ordinance and chapters 11, 17 and 75. For purposes of participating in a transfer of development rights program, a development right exists on a particular property if adopted town and county comprehensive plans would support a rezone petition to allow residential development on the property under s. 10.255 of this ordinance and ss. 59.69 and 91.48, Wis. Stats.

(19r) *Domestic fowl.* Domestic fowl includes female chickens, ducks, and quail. Geese, turkeys, and pea fowl are not considered domestic fowl for the purposes of this ordinance.

(20) *Drive-in establishment* means an establishment which accommodates motor vehicles from which the occupants may obtain or receive a service or product which may be used or consumed in the vehicle on the same premises or an establishment which accommodates motor vehicles for the purpose of fueling or providing minor motor vehicle services. All such establishments shall operate pursuant to a conditional use permit secured from the committee.

(21) *Dwelling.* **(a)** *Single family dwelling.* A building designed for and occupied exclusively as a residence for one (1) family.

(b) *Multiple family dwelling.* A building designed or intended to be used by more than two (2) families living independently of each other.

(c) *Duplex family dwelling.* A building designed to be occupied by two families living independently of each other.

(21m) *Explosive materials* means explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters. Exempted from this definition are those explosive materials set forth in Comm 7.02(2) of the Wisconsin Administrative Code.

(22) *Extended care facilities.* A nursing home which is certified by the State of Wisconsin under the Federal Social Security Act to care for patients under the Medicare Program.

(23) *Family.* Any number of individuals related by blood or marriage, or not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.

(23f) *Farm* means all land under common ownership that is primarily devoted to agricultural use.

(23ga) *Farm Operator.* A person who, or a family at least one member of which, earns substantial farm income, as defined in section 10.01(50m), from farm operations on the farm.

(23gb) *Farm Residence.* Any of the following structures that is located on a farm:

(a) A single-family residence that is occupied by any of the following:

1. A person who is both the owner and farm operator of the farm.

2. A parent or child of the owner and farm operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92, Wis. Stats.

(23h) *Governmental uses* shall include, but not be limited to, parks, playgrounds, hospitals, police and fire stations, solid waste disposal sites and recreational areas. For purposes of this chapter, a school is not a governmental use. Installation of communications equipment on a building or structure which is both owned by the town in which located and dedicated to a governmental use or on a structure that is both owned by the County of Dane and used as a warning siren site, is included within this definition.

(23j) *Gross floor area.* The aggregate area of all horizontal levels of a building, expressed in square feet, not including any horizontal level where the average floor to ceiling height is less than 6 feet. When used as a basis of measurement for off-street parking and loading

spaces for any use, gross floor area shall be the sum of the areas of the several floors of the buildings devoted to such use, including all areas devoted to restrooms, storage, utilities and circulation.

(23m) *Gross income* means Wisconsin adjusted gross income as defined in s. 71.01(13), Wis. Stats., 1989-90.

(24) *Gross vehicle weight* shall mean the weight of any truck or road tractor and its semi-trailer plus the load that the vehicle is rated to haul.

(24m) *Historic site* means any burial site designated as an historic site by the county board of supervisors. A burial site has the definition set forth in s. 157.70(1)(b), 1987 Wis. Stats. Any action of the county board designating an historic site shall constitute a zoning map change and shall be subject to town approval and the protest rights of landowners under s. 59.69, Wis. Stats. No person shall enter any property to survey the land for historic sites without the written permission of the property owner.

(25) *Home occupation.* A home occupation is any occupation carried on by a member of the immediate family residing on the premises, which meets all of the following conditions:

(a) That the occupation is conducted within a dwelling and not in an accessory building;

(b) That only members of the immediate family residing on the premises may be employed on the premises, plus a maximum of one other unrelated person;

(c) That no stock-in-trade is kept or commodities sold, other than those made on the premises;

(d) That samples may be kept but not sold on the premises;

(e) That no mechanical equipment is used except such as may be used for purely domestic or household purposes;

(f) That such occupation shall not require internal or external alterations, or involve construction features not customary in a dwelling;

(g) That not more that 25 percent (25%) of the floor area of one (1) story of the dwelling is devoted to such home occupation;

(h) That the entrance to the space devoted to such occupation is from within the building;

(i) That there is no evidence, other than the sign referred to in subsection (j) below, that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; and

(j) That one (1) sign shall be permitted, which sign shall be attached to the building, shall not exceed two (2) square feet in area and shall not be lighted at night.

(26) *Hospital.* An institution providing health services, primarily for in-patients, and medical and surgical care of the sick and injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

(27) *Hotel.* A building in which board and lodging are provided to the transient public for compensation.

(27g) *Incidental indoor maintenance.* Maintenance and repair of equipment and vehicles owned and operated by a principal business on the premises, and not as a service to others. All maintenance activities must take place within an enclosed building.

(27h) *Indoor storage.* Uses that are primarily oriented to the receiving, holding and shipping of materials for a single business. Such uses are not for retail sales, storage of personal belongings of others, or warehousing of materials for others. With the exception of loading facilities, such uses are contained entirely within an enclosed building.

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

(29) *Salvage recycling center.* A salvage recycling center is an area where waste or scrap materials are bought, sold, exchanged, stored, recycled, baled, packed, disassembled or handled, including, but not limited to, motor vehicles, farm equipment, scrap iron and other metals, paper, rags, rubber tires and bottles. A salvage recycling center includes a motor vehicle wrecking or dismantling yard, but does not include a solid waste recycling center as defined in s. 10.01(50).

(30) *Kennel.* A kennel is any premise, or portion thereof, where dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

(30a) *Livestock.* Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(a) For purposes of this ordinance 100 or more rabbits shall be considered livestock and

subject to the regulations pertaining to the keeping of livestock.

(b) For the purposes of this ordinance, domestic fowl in single family residential yards under s. 10.195 shall not be considered livestock and shall not be subject to regulations pertaining to the keeping of livestock.

(30b) *Land disturbing activity* means any alteration or disturbance that may result in soil erosion, sedimentation or change in runoff including, but not limited to, removal of ground cover, grading, excavating or filling of land.

(30f) *Light industrial.* The processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from previously processed or previously manufactured materials. All operations (with the exception of loading operations):

(a) are conducted entirely within an enclosed building;

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

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

(d) include no retail sales.

(30fa) *Limited Family Business.* A small family-run commercial operation, accessory to a permitted principle use, that takes place entirely within an accessory building. All employees, except one or one full-time equivalent, must be a member of the family residing on the premises. Limited Family Businesses must comply with all requirements of s. 10.192.

(30g) *Limited Rural Business.* A Limited Rural Business may include any use permitted in the A-B, B-1, C-1 or C-2 zoning districts if it is located exclusively in building(s) in existence prior to April 30, 2005, maintains, restores or enhances the existing exterior character of the building(s), employs no more than 4 non-family employees, and does not conflict with the overall purposes of the district within which the Limited Rural Business is proposed. "Family" has the meaning set forth in section 10.01(23).

(30m) *Location survey,* as indicated in this ordinance, refers to survey information prepared by a licensed surveyor indicating the location of property lines and building location distances from those property lines for the specific portions of the building indicated in this ordinance. Such surveys are not required to provide all the parcel information set forth by Wisconsin Administrative Code Chapter A-E 7.02 Minimum Standards for Property Surveys item A-E 7.01(2) but may exclude unnecessary information as permitted in A-E 7.01(2) and provide only the information required by the zoning ordinance but such information must comply with the accuracy standard required by A-E 7.06 Measurements.

(31) *Lodging house.* A building in which lodging accommodations are provided by previous arrangements for definite periods of time to four (4) or more but not to exceed twelve (12) individuals not members of the owner's family.

(32) *Lot.* A parcel of land occupied or intended to be occupied by one (1) building and its accessory building and uses, except as otherwise provided herein. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the register of deeds. No land included in any street, highway or railroad right-of-way shall be included when computing area.

(33) *Lot depth.* The lot depth is the mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

(34) *Lot width* is the distance between the side lot lines measured along a line that is parallel to the front lot line at the required building setback line. On triangular or gored lots the lot width shall be measured along a line that is parallel to the chord of the arc of the front lot line at the required building setback line, the lot width at this point shall not be less than that required by the zoning district in which the lot is located. (See also *building setback line.*)

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

(36) *Major repairs to motor vehicles.* Repairs and overhauling of motor or engine parts, drive train assemblies, braking systems, body and frame repairs and replacements, refinishing and painting, and wheel alignment.

(36a) *Lot, zoning.* A parcel of land under single ownership occupied or intended to be occupied by one main building, and buildings and uses customarily accessory or incidental thereto, including such open spaces as are provided or

are intended to be used in connection therewith or are required by the ordinance. A zoning lot may or may not coincide with a lot of record.

(36g) *Majority* means more than one half of the pertinent total.

(36h) *Marina* means a shoreside facility that provides accommodation and service for boating and may include, but is not limited to, docks; boat slips; inside or outside storage of boats, boat trailers, storage cradles and other related marina items; sale of boats, boating equipment, fuel and supplies. Docks or boat slips by themselves do not constitute a marina use.

(36m) *Mineral extraction.* Quarrying or excavation of sand, gravel, limestone, earth, soil or other mineral resources. This definition includes (when done in connection with mineral extraction) accessory uses such as washing, crushing and other processing of the materials, stockpiling and processing concrete and asphalt pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or base course products, the erection of structures and the installation or storage, or both, of the necessary machinery and equipment used in the mineral extraction operation. Production of asphalt or concrete is not to be considered part of a mineral extraction operation.

(a) The following uses are not part of a mineral extraction operation: site preparation for residential or commercial plats, construction or landscaping projects, soil conservation practices, stream, lake or shoreline protection, agricultural land leveling projects if materials are not removed from the property and similar uses.

(36r) *Mini-warehouse* is a storage building comprised of separate compartments each of which is intended for separate rental and each of which has its own separate access.

(37) *Minor repairs to motor vehicles.* Replacing or repairing of electrical components, installation, alignment or repair of tires, changing or replacing coolants and lubricants, cleaning and polishing, and wheel tire balancing.

(38) *Mobile homes park.* Any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for an accommodation. Is subject to the requirements of section 66.058 of the Wisconsin Statutes.

(39) *Motel.* A building containing sleeping rooms for the temporary accommodation of tourists and not for permanent occupancy except by the owner or resident operator.

(40) *Motor vehicle.* Cars, trucks, buses, semi-tractors and semi-trailers which may be used to transport goods, materials, freight or passengers.

(40a) *Native wildlife rehabilitator.* A person who has permits from the United States Department of Interior, Fish and Wildlife Service and/or the Wisconsin Department of Natural Resources to rehabilitate injured or sick native wildlife as defined in the Wisconsin Administrative Code.

(40d) *Occupiable floor area*, when used as a basis of measurement for off-street parking spaces for any use, shall be the sum of the areas of the several floors of the buildings designed or intended to be used for service to the public as customers, patrons, clients, patients or members, including those areas occupied by fixtures and equipment used for the sale of merchandise, or in the case of office use those areas occupied or used by employees. Occupiable floor area shall not include areas used principally for non-public purposes such as restrooms, locker rooms, storage, utilities and areas behind counters.

(40m) *Office.* An exclusive indoor land use whose primary function is the handling of information or administrative services. Such uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

(40t) *Outdoor storage.* Outdoor storage is primarily oriented to the receiving, holding and shipping of materials for a single business. Such a use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage use. Such uses do not include junk or other materials typically associated with a junkyard, salvage recycling center or solid waste recycling center, as defined in this ordinance. Outdoor storage of materials is not permitted within the building setback area described in s. 10.17.

(41) *Nonconforming use.* A lawful use that existed prior to adoption of an ordinance which restricts or prohibits said use. [See section 10.21]

(41m) *Notice document* is a recorded instrument to notify future landowners and others of unusual features, policies, regulations or other characteristics that may affect future development potential or other speculative use of a specific property. All notice document instruments must meet the minimum recording standards of the Dane County Register of Deeds.

(42) *Nursing home.* A home for the aged, chronically ill or incurable person in which three

(3) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

(43) *Park, amusement.* An area, publicly or privately owned, containing amusement and recreational facilities and devices, whether operated for profit or not.

(44) *Park, public.* An area owned by the county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

[(45) reserved.]

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

(46a) *Planned unit development.* A form of land development permitted after following the procedures for creating a planned unit development district as provided in section 10.153. The planned unit development district is designed to allow variation in the types and arrangements of land uses and structures in developments conceived and implemented as cohesive, unified projects. Each planned unit development district shall be either a rural planned unit development district or an urban planned unit development district.

(47) *Pleasure horses.* All horses and ponies which are kept or raised for personal use by the owner(s) of or persons residing on the property or their guests. The term does not include horses or ponies kept or raised for commercial breeding purposes, held for sale as beasts of burden or draft animals, boarded for a fee, or offered to the public for riding purposes upon payment of a fee.

(48) *Professional office.* A building in which is provided space for professional offices such as those of doctors, practitioners, dentists, real estate brokers, engineers, lawyers, authors, architects, musicians and other recognized professional occupations.

(48m) *Race event* or *rally* means a gathering of more than three people for the purpose of repetitive vehicular activity over a fixed course or area, which persists for periods in excess of 30 minutes in any one 24 hour period.

(48r) *Racing vehicle.* A motor vehicle of a type used for racing or participation in a race event or rally. Such vehicles may not normally be legally operated on the public highways.

(48w) *Recorded* means recorded with the Dane County Register of Deeds.

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

(50) *Solid waste recycling center.* A solid waste recycling center is a solid waste disposal operation at which temporary storage and processes such as baling of paper, grinding of glass and flattening of cans, are conducted on segregated solid waste to facilitate reuse of the segregated solid waste as raw material. Also see salvage yard, section 10.20(1)(a).

(50m) *Substantial Farm Income.* Means that a minimum of $10,400 gross farm income/year for the past three (3) years is currently derived from the farming operation on the farm where the residential use is proposed. Rental income may not be used to meet the income requirement.

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

(51a) *Religious uses.* Shall include, but not be limited to, churches, convents and monasteries. For purposes of this chapter, a school is not a religious use.

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

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

(54) *Rooming house.* Same as lodging house.

(54a) *Rural planned unit development district.* A planned unit development district that may include any combination of the permitted or conditional uses in the A-1 (Exclusive), A-3, A-4, RE-1, CO-1, AB and/or LC-1 districts, and/or any residential housing district, as appropriate, to be used only for senior housing developed for seniors ages 55 or older. Any uses which are

conditional uses in the applicable zoning district must meet the standards of sub. 10.255(2)(h).

(55) *Sanitary landfill.* Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land.

(55a) *Sanitary fixture.* Any plumbing fixture that requires discharge to a private onsite wastewater treatment system or public sanitary sewer system pursuant to state or county plumbing code.

(55m) *Schools* means any private, public or religious school but does not include either truck driving schools or construction equipment operator schools unless expressly stated otherwise in this chapter.

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

[(57) - (65) reserved.]

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

(66a) *Small scale electric generating station.* Electric generating equipment and associated facilities designed for nominal operation at a capacity of 100 megawatts or less, not requiring approval of the state Public Service Commission under section 196.491 Wis. Stats. Equipment and structures, not including towers, for the purposes of creating electricity to be used primarily on the property are not considered small scale electric generating stations.

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

(68) *Solid waste disposal operation.* A solid waste disposal operation is the operation or maintenance of a solid waste disposal site or facility for the collection, storage, utilization, processing or final disposal of solid waste, including, but not limited to, land disposal, incinerator, transfer, air curtain destruction, composting reduction, shredding, compression, processing and salvage. In-house re-use of the imperfect finished products to make a merchantable finished product is not a solid waste disposal operation.

(68m) *Stormwater runoff* means the waters derived from rains falling or snowmelt or icemelt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

(69) *Story.* The vertical distance of a building included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling, provided that a basement shall not be considered a story.

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

(71) *Street.* A public or private thoroughfare which affords primary means of access to abutting property is a street to that property for the purposes of this ordinance, except driveways to buildings.

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

(73) *Structure* has the meaning set forth in s. 17.06(73).

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

(74m) *Substandard lot* means a lot the dimensions of which, although fully conforming when created, are now, in whole or in part, less than existing requirements for the zoning district in which located.

(75) *Tavern.* A building or part of a building open to the public, where fermented malt beverages and/or intoxicating liquors are sold at retail for consumption on the premises. The following shall not be considered a tavern: a restaurant where such beverages are sold only at tables and only in conjunction with meals; a club not open to the public where such beverages are sold in conjunction with the operation of the club; premises where malt beverages are sold by established organizations in conjunction with the operation of a picnic, fair or other amusement enterprise.

(75m) *TDR agricultural conservation easement* means a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which may include any or all of the following: retaining or protecting natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; maintaining or enhancing air or water quality; preserving a burial site, as defined in

s.157.70(1)(b), Wis. Stats.; or, preserving the historical, architectural, archaeological or cultural aspects of real property. TDR agricultural conservation easements need not include any requirements for public access or restrictions on agricultural or forestry practices.

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

(77) *Terminal, truck.* Buildings or land which is used for the storage or distribution of freight or goods by a common carrier.

(78) *Temporary or portable building.* A building or structure that is not attached to the ground by anchors, bolts, footings, foundation piers, pilings, posts or other means of attaching permanently to the ground. Lawn and yard buildings not attached, anchored or affixed to the ground shall not exceed 32 square feet of floor area on a lot in a residential district.

(78d) *Topography* means the configuration of the ground surface and relations among human-made and natural features that may determine ground slope and direction of runoff flow.

(78m) *Communication tower.* Any structure, whether free-standing or attached to an existing building or structure, other than a building or structure which is both owned by the town in which located and dedicated to a governmental use or a structure that is both owned by the County of Dane and used as a warning siren site, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

(78s) *Transfer of development rights (TDR)* means the conveyance of development rights, as defined herein, by TDR agricultural conservation easement from one parcel of land to another and the recording of that conveyance with the Dane County Register of Deeds and other land records of Dane County. Any individual transfer of development rights transaction may, at the discretion of the parties involved, also include the conveyance of additional rights not enumerated in this ordinance.

(79) *Use, permitted.* A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

(80) *Use, principal.* A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.

(81) *Utility services.* Transmission and distribution lines both above and below ground which carry electricity, petroleum products, natural or manufactured gas, water, sewer or telephone messages. Included are buildings and structures necessary to operate transmission and distribution lines such as substations, transformer installations, repeater stations, pumping stations and water towers, but not including offices, garages, manually operated exchanges, terminal distribution facilities, electric generating plants and sewage disposal plants. Installation of privately owned and operated communications equipment on a water tower which is owned by the town in which located is included within this definition, provided that the installation of this equipment does not compromise the structural integrity of the water tower. A zoning permit will not be issued for the installation of this equipment by the Dane County Planning and Development Department without provision of a structural analysis stamped by a professional engineer (P.E.) and a P.E.'s written statement that the affected tower is structurally capable of accommodating the equipment.

(81a) *Urban planned unit development district.* A planned unit development district conceived and implemented within an urban service area.

(81b) *Urban service area.* Areas identified and mapped by the Capitol Area Regional Planning Commission, or successor agency, designated by the State of Wisconsin in accordance with the federal Clean Water Act, that are planned for urban development and capable of being provided with a full range of services.

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

(82a) *Wind Energy System.* Wind Energy System has the meaning given in s. 66.0403(1)(m), Wis. Stats.

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

for the zoning district in which such zoning lot is located.

(84) *Yard, front.* A *front yard* is a yard paralleling along the full length of the front lot line between the side lot lines.

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

(86) *Yard, side.* A *side yard* is a yard paralleling along a side lot line from the front yard to the rear yard.

[**History**: (Intro.) am., OA 17, 1992-93, pub. 10/09/92; (2m) cr., OA 16, 1993-94, pub. 12/27/93; (3) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (3) am., OA 9, 1993-94, pub. 04/20/94; (5m) cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (5m) cr., OA 9, 1993-94, pub. 04/20/94; (6m) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (7) am., OA 33, 1991-92, pub. 04/22/92; (11m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (23a) renum. as (23h), (23f), (23g) and (23m) cr., OA 17, 1992-93, pub. 10/09/92; (24m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (29) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (30a) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (30a) cr., OA 9, 1993-94, pub. 04/20/94; (36g) cr., OA 17, 1992-93, pub. 10/09/92; (36m) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (36m) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (36m) cr., OA 9, 1993-94, pub. 04/20/94; (41) am., Sub. 3 of OA 36, 1987-88, pub. 08/02/88; (41) am., OA 9, 1993-94, pub. 04/20/94; (49m) am., Sub. 3 of OA 36, 1987-88, pub. 08/02/88; (49m) cr., OA 9, 1993-94, pub. 04/20/94; (57) through (65), inclusively, rep., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (73) am., Sub. 2 to OA 12 1989-90, pub. 11/13/89; (74) am., Sub. 1 to OA 31, 1991-92, pub. 04/22/92; (74m) cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (36r) cr., OA 1, 1994-95, pub. 09/02/94; (5r) cr., OA 2, 1995-96, eff. 09/12/95; (25)(b) am., OA 6, 1995-96, eff. 09/12/95; (19n) and (30m) cr., Sub. 2 to OA 4, 1994-95, eff. 12/23/95; (48m) cr., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (20), (31), (37), (47), (48) and (73) am., (36n) rep. and (36h) cr., OA 16, 1996-97, pub. 01/16/97; (15) and (24m) am., OA 43, 1996-97, pub. 06/17/97; (7) am. and (78m) cr., OA 57, 1996-97, pub. 09/02/97; (23h) and (51a) am. and (55m) cr., OA 16, 1997-98, pub. 03/03/98; (19n) am., (23j) and (40d) cr., and (45) rep., OA 39, 1997-98, pub. 08/17/98; (21m) cr., OA 22, 1999-2000, pub. 06/27/00; (15), (41) and (81) am. and (49m) rep., OA 3, 2000-01, pub. 10/19/00; (23h), (78m) and (81) am., Sub. 2 to OA 13, 2000-01, pub. 05/07/01; (48r) cr., OA 11, 2002-03, pub. 11/19/02; (36m) am., OA 16, 2002-03, pub. 03/04/03; (2n) cr., OA 11, 2004-05, pub. 02/23/05; (2f) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05; (2n) am., OA 32, 2004-05, pub. 06/02/05; (11a) am., OA 38, 2004-05, pub. 09/12/05; (8) am., OA 33, 2008-09, pub. 02/19/09; (19d), (30b), (68m) and (78d) cr., OA 16, 2009-10, pub. 11/19/09; (46a), (54a), (81a) and (81b) cr., OA 44, 2009-10, pub. 02/15/10; (2k), (19q), (41m), (48w), (75m) and (78s) cr., OA 45, 2009-10, pub. 3/22/10; (27g), (27h), (30f), (30g), (40m), and (40t) cr., OA 10, 2010-11, pub. 12/10/10; (66a) cr., Sub. 1 to OA 37, 2010-11, pub. 06/23/11; (2d), (7f), (55a) cr., (7) and (23j) am., (23g) resc., OA 4, 2011-12, pub. 08/01/11; (19r) cr., OA 11, 2012-13, pub. 10/31/12; (2a), (23f), (30g) am., (2b), (2c), (23ga), (23gb), (30fa), (50m) cr., OA 12, 2012-13, pub. 12/18/12; (82a) cr., OA 42, 2012-13, pub. 05/14/13; (30a) am., 2015 OA-16, pub. 12/04/15.]

10.02 DISTRICTS. The following districts are established. The number, shape and area are best suited to carry out the purposes of this ordinance:

R-1	Residence District.
R-1A	Residence District.
R-2	Residence District.
R-3	Residence District.
R-3A	Residence District.
R-4	Residence District.
RH-1	Rural Homes District.
RH-2	Rural Homes District.
RH-3	Rural Homes District.
RH-4	Rural Homes District.
RE-1	Recreational District.
B-1	Local Business District.
A-1	Agriculture District.
A-1(EX)	Exclusive Agriculture District.
A-B	Agriculture-Business District.
A-Ba	Transitional Agriculture-Business District.
A-2	Agriculture District.
A-2(1)	Agriculture District.
A-2(2)	Agriculture District.
A-2(4)	Agriculture District.
A-2(8)	Agriculture District.
A-3	Agriculture District.
A-4	Small Lot Agriculture District.
C-1	Commercial District.
C-2	Commercial District.
LC-1	Limited Commercial District.
EXP-1	Exposition District.
M-1	Industrial District.
CO-1	Conservancy District.
HD	Historic Overlay District.
AED	Adult Entertainment Overlay District.
TDR-S	Transfer of Development Rights Sending Area Overlay District.
TDR-R	Transfer of Development Rights Receiving Area Overlay District.
PUD	Planned Unit Development District.

[**History**: 10.02 am., OA 16, 1996-97, pub. 01/16/97; District reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; am., OA 45, 2009-10, pub. 03/22/10; 10.02 am., OA 18, 2013-14, pub. 12/17/13; 10.02 am., 2015 OA-16, pub. 12/04/15.]

10.03 ZONING DISTRICT MAPS. (1) The location and boundaries of the zoning districts other than the A-1 Agriculture District and the flood prone areas (regional flood) are hereby established as shown on maps entitled "Zoning District Maps" on file in the office of the zoning administrator. The A-1 Agriculture District shall consist of all areas not otherwise designated on the "Zoning District Maps." The zoning administrator shall periodically update the

"Zoning District Maps" to show any changes in the zoning district boundary lines resulting from amendments to the zoning ordinance, annexations and changes resulting from city or village extraterritorial zoning provisions. The "Zoning District Maps", together with all information shown thereon and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

(2) *Location of district boundaries.* The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

(a) Where zoning district boundary lines are indicated as following streets, highways, roads or alleys, or extensions thereof, such boundary lines shall be construed to be the centerlines of said streets or alleys or extensions thereof unless clearly shown to the contrary.

(b) Where a dimensioned boundary line coincides approximately but not exactly with a lot line which existed on the effective date of incorporation of such boundary line into the zoning map, the said boundary line shall be construed to be the said lot line at that location.

(c) Streets, highways, roads or alleys which are shown on the zoning district maps and which heretofore have been vacated, or which may be vacated hereafter, shall be in the same zoning district as the lots, pieces or parcels abutting both sides of the street, highway, road or alley involved. If the lots, pieces or parcels abutting each side of the street, highway, road or alley were located in different zoning districts before the said street or alley was vacated, the centerline of the said vacated street or alley shall be the boundary line of the respective zoning districts.

(d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the board of adjustment, upon written application, shall determine the location of such boundary lines.

(3) The adoption of the following zoning petitions, referred to below by zoning petition number and heretofore adopted by the county board, are hereby ratified and reaffirmed in all respects as valid amendments to the Dane County zoning map:

4012	4346	4376	4378
4411	4422	4437	4452
4453	4460	4462	4468
4499	4511	4540	4559
4576	4578	4579	4589
4611	4623	4641	4644
4661	4692	4743	4752
4754	4760	4777	4785
4803	4816	4818	4821
4829	4833	4834	4845
4853	4873	4879	4891
4900	4910	4912	4918
4932	4937	4948	4957
4962	4966	4968	5241
4976	4982	4900	4998
5013	5017	5035	5045
5051	5055	5069	5072
5086	5093	5104	5130
5140	5145	5148	5156
5187	5188	5196	5225
5226	5237	5251	5263
5275	5290	5316	5325
5346	5350	5352	5355
5359	5369	5373	5409
5412	5415	5417	5429
5436	5439	5442	5452
5455	5487	5510	5511
5523	5524	5531	5551
5571	5587	5617	5618
5619	5626	5664	5665
5673	5633	4836	5429
5665	5681	5197	5639

[**History:** (3) cr., OA 30, 1994-95, pub. 05/31/95, eff. 07/01/95.]

10.04 RESTRICTIONS UPON LANDS, BUILDINGS AND STRUCTURES. Except as otherwise herein provided:

(1)(a) *Principal buildings.* There shall not be more than one (1) principal building on a lot except as listed below:

1. On lots in the commercial, industrial and business districts, more than one (1) building is permitted for any single business or commercial enterprise or for any combination of businesses or commercial enterprises.

2. On land in the A-1 exclusive agriculture district, secondary farm residences and single family dwellings or mobile homes occupied by parents or children of the farm operator are conditional uses as provided in s. 10.123 of this ordinance.

(b) *Accessory buildings.* Any number of detached accessory buildings associated with a permitted or conditional use are permitted on lots in the various zoning districts, subject to the regulations specified below and in the applicable district regulations of this ordinance:

1. *Principal residential use required.* Notwithstanding the provisions of s. 10.04(1)(c), or as may be allowed under the applicable district regulations of this ordinance, a principal

residential use must exist or be under construction prior to the erection or placement of an accessory building.

2. Sanitary fixtures are prohibited in accessory buildings except in agricultural accessory buildings on zoning lots over 35 acres in size, or if required by law, or allowed by a conditional use permit.

3. *Size limitations – residential accessory buildings.* In the R-Residence districts, the total gross floor area of all detached accessory buildings shall not exceed one hundred (100%) of the total building footprint area of the associated residence.

4. *Lot coverage.* No residential building together with its accessory buildings on parcels between 2 and 35 acres in size in the RH Rural Homes, A-2 Agriculture, A-1 Agriculture, A-1 EX (Exclusive Agriculture), and A-4 (Small Lot Agriculture) districts shall cover in excess of 10% of the lot area. For parcels under 2 acres in size, the lot coverage limitation shall conform to the standards in s. 10.05(5), unless a greater lot coverage is permitted under the applicable district regulations of this ordinance.

5. *Setback requirements, front yard.* Except as provided under section 10.16(4) of this ordinance, no building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

6. *Setback requirements, side yard.*

a. Except on parcels of land over 35 acres in size in the A-1, A-1EX, and A-3 zoning districts, and on parcels in the A-2 and A-4 districts, accessory buildings for the housing of livestock or insects shall be located not less than 50 feet from any side lot line, unless a greater distance is required under sub. (b) of this section, or the applicable district regulations of this ordinance.

b. Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence District, except with respect to existing buildings when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

c. All other accessory buildings over 120 square feet in size shall be located not less than ten (10) feet from any side lot line, unless eligible for a reduced size yard setback under s. 10.16(6).

d. All other accessory buildings less than 120 square feet in size shall be located not less than four (4) feet from any side lot line, unless eligible for a reduced side yard setback under s. 10.16(6).

e. Accessory buildings located between the front and rear building lines of a principal residence shall conform to the minimum side yard requirements for principal buildings specified in the respective district regulations of this ordinance.

7. *Setback requirements, rear yard.*

a. Except on parcels of land over 35 acres in size in the A-1, A-1EX, and A-3 zoning districts, and on parcels in the A-2 and A-4 districts, accessory buildings for the housing of livestock or insects shall be located not less than 50 feet from any rear lot line, unless a greater distance is required under sub. (b) of this section, or the applicable district regulations of this ordinance.

b. Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing buildings when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

c. All other accessory buildings over 120 square feet in size shall be located not less than ten (10) feet from any rear lot line, unless eligible for a reduced rear yard setback under s. 10.16(6).

d. All other accessory buildings less than 120 square feet in size shall be located not less than four (4) feet from any rear lot line, unless eligible for a reduced rear yard setback under s. 10.16(6).

8. *Existing accessory buildings.* All accessory buildings lawfully existing as of August 1, 2011 shall be considered a permitted use. Notwithstanding the provisions of secs. 10.21 and 10.23 regarding nonconforming uses, such buildings may be added to, altered, restored, repaired, replaced or reconstructed, provided the locational requirements of the district in which the building is located are complied with.

9. *Permits required.* No accessory building may be erected or placed without first obtaining

a zoning permit as specified in section 10.25(2), except as provided below.

a. Non-permanent accessory buildings less than 120 square feet in gross floor area which are not located on a foundation, concrete slab, pilings, or footings do not require a zoning permit, provided that the proposed building will not be located within a mapped floodplain or within a shoreland area and conforms to all of the locational requirements of this ordinance. It shall be the responsibility of the owner to demonstrate compliance with the setback requirements of this ordinance upon request.

b. Subsection 10.04(1)(b)9.a. shall not apply to covered enclosures used for the purposes of keeping domestic fowl.

(c) *Agricultural accessory buildings.* On land in the A-1, A-1 Exclusive, A-2, A-3, and A-4 Agriculture Districts, and on land in the Rural Homes District involved in an agricultural or agricultural accessory use, agricultural accessory buildings are permitted but are limited to barns, sheds, silos and other structures that are clearly related to a permitted agricultural or agricultural accessory use. The minimum side and rear yard setback for such structures is 10 feet, unless a greater distance is required by the applicable district regulations of this ordinance.

(2) *Height.* No building or structure shall be erected, nor shall any existing building or structure be removed, reconditioned, added to or structurally altered to exceed in height the limit established by this ordinance for the district in which that building or structure is located.

(3) *Percentage of lot occupancy.* No building or structure shall hereafter be erected, nor shall any existing building be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, nor shall a greater percentage of lot be occupied, except in conformity to the building site requirements and the area and yard regulations established by this ordinance, for the district in which such building is located.

(4) *Density of population.* No building, structure or premises shall be erected, occupied or used so as to provide a greater density of population than is allowed by the terms of this ordinance for the district in which such building, structure or premises is located.

(5) *Open space limitations.* No yard or other open space provided about any building or structure for the purpose of complying with the regulations of this ordinance shall be considered as providing yard or open space for any other building or structure. No lot area shall be so reduced or diminished that the yard or other space shall be smaller than prescribed by this chapter.

(6) *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 subsection is intended to regulate development:

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

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

3. to preserve the general character of neighborhoods.

(b) *Standards.* **1.** Except as authorized in this section, the topography within five (5) feet of any property line at the commencement of any development shall remain unchanged.

2. a. 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.

b. Notwithstanding sub. (6)(b)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.

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 to be submitted before 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.** Development in Floodplain Districts requiring fill to comply with chapter 17 is exempt from this section.

2. 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.

[**History:** (1) am., OA 10, 1999-2000, pub. 04/20/00; (6) cr., OA 16, 2009-10, pub. 11/19/09; (1)(a)2. am., Sub. 1 to OA 21, 2009-10, pub. 02/19/10; (1)(b) and (1)(c) am., OA 4, 2011-12, pub. 08/01/11; (1)(b)9.b. cr., OA 11, 2012-13, pub. 10/31/12.]

10.045 NCO NOISE CONTROL OVERLAY DISTRICT. (1) *Statement of purpose.* The purpose of the Noise Control Overlay District is to effect and accomplish the protection and enhancement of the quality of residential life in Dane County by restricting residential development adjacent to noise producing areas.

(2) *Authority.* This section is enacted under s. 59.69, Wis. Stats., and section TRANS 405.05(2), Wis. Admin. Code.

(3) *Designation.* All lands subject to this ordinance lying within 200 feet of a divided highway as defined in s. 340.01(15), Wis. Stats., are hereby designated as subject to this section. The county board may add other lands from time to time. Lands subject to this section shall be designated by attaching the suffix "NCO" to the zoning district in which the lands are located.

(4) *Protection.* No residential dwelling shall hereafter be erected in any area designated as part of the Noise Control Overlay District. The designation "Noise Control Overlay District" shall not otherwise affect the uses to which such lands may be put by the underlying zoning district.

(5) *Exceptions.* **(a)** The designation "Noise Control Overlay District" shall not apply to lands zoned for residential use prior to May 1, 1992.

(b) The Noise Control Overlay District shall not apply to lands on which noise control barriers have reduced the noise level from traffic to 67 decibels or less.

(6) *Variances.* The board of adjustment is empowered to remove the "Noise Control Overlay District" from lands to which it applies whenever the Wisconsin Department of Transportation consents to such variance and the board of adjustment otherwise finds that the protections afforded by such overlay district are no longer necessary for the purposes set forth herein.

(7) *Compensation.* Where the designation of a particular parcel of land as subject to this section results in a property owner being deprived of all, or substantially all, of the beneficial use of the property, compensation shall be paid as provided for by law.

[**History**: 10.045 cr., Sub. 1 to OA 35, 1991-92, pub. 04/22/92; (2) am., OA 43, 1996-97, pub. 06/17/97.]

10.05 R-1 RESIDENCE DISTRICT. (1) *Permitted uses.* **(a)** Single family detached dwellings.

(b) Utility services.

(c) Home occupations, as defined in section 10.01(25).

(d) Uses and buildings, clearly incidental and necessary to permit use on the premises.

(e) Community living arrangements for less than nine (9) persons.

(f) Foster homes for less than five (5) children licensed under section 48.62, Wis. Stats.

(2) *Conditional uses permitted in the R-1 Residence District.* **(a)** Daycare centers.

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

(c) Cemeteries.

(d) Governmental uses.

(e) Private club houses and fraternity houses except when service is provided to the general public.

(f) Religious uses.

(g) Dependency living arrangements.

(h) Schools.

(3) *Building height limit.* **(a)** For residential dwelling two and one-half (2-½) stories or 35 feet.

(b) Accessory buildings shall not exceed 12 feet in height.

(4) *Lot width and area.* **(a)** Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(b) Sewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 15,000 square feet.

(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
(7) *Side yard requirements.* There shall be total side yards of not less than 25 feet and no single side yard shall be less than 10 feet.
(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 50 feet.
(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History**: (2)(h) cr., OA 16, 1997-98, pub. 03/03/98; (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.051 R-1A RESIDENCE DISTRICT. (1) All uses permitted in the R-1 Residence District.
(2) *Conditional uses.* All conditional uses permitted in the R-1 Residence District.
(3) *Building height limit.* Shall be the same as the R-1 Residence District.
(4) *Lot width and area.* Lots shall be not less than 100 feet in width at the building setback line and have an area of not less than one (1) acre.
(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 20 percent (20%) of an interior lot or 25 percent (25%) of the area of a corner lot.
(6) *Setback requirements.* Setback from the front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
(7) *Side yard requirements.* Shall be the same as for the R-1 Residence District.
(8) *Rear yard requirements.* Shall be the same as for the R-1 Residence District.
(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History**: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.06 R-2 RESIDENCE DISTRICT. (1) *Permitted uses.* All uses permitted in the R-1 Residence District.
(2) *Conditional uses permitted in the R-1 Residence District.* All conditional uses permitted in the R-1 Residence District.
(3) *Building height limit.* **(a)** Residential dwelling, two and one-half (2½) stories or 35 feet.
(b) Accessory buildings shall not exceed 12 feet in height.
(4) *Lot width area.* **(a)** Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
(b) Sewered lots shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.
(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.
(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.
(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.
(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 35 feet.
(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History**: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.07 R-3 RESIDENCE DISTRICT. (1) *Permitted uses.* All uses permitted in the R-1 Residence District.
(2) *Conditional uses permitted in the R-3 Residence District.* All conditional uses permitted in the R-1 Resident District.
(3) *Building height limit.* **(a)** For a residential dwelling two and one-half (2-½) stories or 35 feet.
(b) Accessory buildings shall not exceed 12 feet in height.
(4) *Lot width and area.* **(a)** Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
(b) Sewered lots shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.
(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 35 percent (35%) of the area of an interior lot or 40 percent (40%) of the area of a corner lot.
(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the provisions of section 10.17.
(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.
(8) *Rear yard requirements.* The minimum depth of any rear yard shall be 25 feet.
(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History**: (9) cr., OA 39, 1997-98, pub. 08/17/98.]

10.071 R-3A RESIDENCE DISTRICT. (1) *Permitted uses.* **(a)** All uses permitted in the R-1 Residence District.
(b) Duplexes.
(2) *Conditional uses permitted in the R-3A Residence District.* All conditional uses permitted in the R-1 Residence District.

(3) *Building height limit.* **(a)** Residential dwellings, two and one-half (2-½) stories or 35 feet.
(b) Accessory buildings shall not exceed 12 feet in height.
(4) *Lot width and area.* **(a)** Unsewered lots for both single family and duplex dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
(b) Sewered lots for single family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.
(c) Sewered lots for duplex dwellings shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.
(5) *Lot coverage.* No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.
(6) *Setback requirements.* Setback from front lot line or highway right-of-way line shall conform to the requirements of section 10.17.
(7) *Side yard requirements.* The minimum width of any side yard shall be 10 feet.
(8) *Rear yard requirements.* **(a)** For single family dwellings, the minimum depth of any rear yard shall be 25 feet.
(b) For duplex dwellings, the minimum depth of any rear yard shall be 35 feet.
(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[History: (9) am., OA 39, 1997-98, pub. 08/17/98; (4)(c) am., OA 3, 2000-01, pub. 10/19/00.]

10.08 R-4 RESIDENCE DISTRICT. (1) *Permitted uses.* **(a)** All uses permitted in the R-3A Residence District.
(b) Multiple family dwellings, condominiums.
(c) Community living arrangements for from nine (9) to fifteen (15) persons.
(2) *Conditional uses permitted in the R-4 Residence District.* **(a)** All conditional uses permitted in the R-1 Residence District, except community living arrangements for from nine (9) to fifteen (15) persons.
(b) Nursing homes, extended care facilities, hospitals, medical clinics, veterinary clinics, professional offices, community living arrangements for more than fifteen (15) persons.
(c) Mobile home parks subject to special conditions as provided for in section 10.08(10).
(3) *Building height limit.* **(a)** Single family and duplex dwellings, two and one-half (2-½) stories or 35 feet.
(b) Multiple family dwellings, 4 stories.
(c) Accessory buildings shall not exceed twelve (12) feet in height.
(4) *Lot width and area.* **(a)** Unsewered lots for single family, duplex dwellings and multiple family dwellings shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
(b) Sewered lots.
1. Lots for single family and duplex dwelling units shall be the same as the R-3A Residence District.
2. Lots for multiple family dwellings shall be not less than 60 feet in width at the building setback line and have an area of not less than 8,000 square feet.
(5) *Lot area and coverage.* **(a)** For single family and duplex dwellings the *lot coverage* shall be the same as for R-3A Residence District.
(b) Unsewered lots for multiple family dwellings shall provide a minimum of 5,000 square feet of lot area for each dwelling unit.
(c) Sewered lots for multiple family dwellings shall provide a minimum of 2,000 square feet of lot area for each efficiency, one bedroom and two bedroom dwelling unit and a minimum of 2,250 square feet of lot area for each three bedroom or more dwelling units. If a building contains a mixture of efficiency, one and two bedroom and three or more bedroom dwelling units the lot area requirements shall be pro-rated. In computing lot areas for multiple family dwelling complexes, private roads, driveways, parking areas, recreational areas common to all of the buildings in the complex shall be considered as part of the total area of the complex.
(6) *Setback and front yard requirements.* **(a)** Setback from both the front lot line and any road right-of-way lines shall conform to the requirements of section 10.17 of this ordinance.
(b) Private roads or driveways within a multiple family dwelling complex shall not be considered a road for determining setback.
(c) Multiple family dwelling buildings located in the interior of a complex shall provide a front yard of not less than 15 feet, each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) *Side yard requirements.* **(a)** For single family and duplex buildings the side yards shall be a minimum of 10 feet on each side.

(b) Multiple family dwelling buildings shall adhere to the following requirements:

1. Buildings which are 2 stories or less in height shall have a minimum 10 foot side yard on each side of the building.

2. Buildings which are more than 2 stories in height shall have side yards as follows:

a. If the side of a building does not include any windows for apartment dwellings a minimum side yard of 10 feet on that side is required.

b. If the side of a building does include windows for apartment dwellings an additional 5 feet of side yard for each story over 2 stories is required on that side.

3. Buildings located within a complex shall each be provided with their own side yard areas irrespective of the yards required for other buildings.

(8) *Rear yard.* **(a)** For single family dwellings and duplex buildings the rear yards shall be a minimum of 25 feet.

(b) For multiple family dwellings not exceeding 2 stories the rear yard shall be not less than 25 feet. For buildings exceeding 2 stories, the rear yard shall be increased by 5 feet for each story over 2 stories.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

(10) *Mobile home parks.* **(a)** Mobile home parks are also subject to the provisions of chapter ADM 65 of the Wis. Admin. Code and the more restrictive regulations shall apply.

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

(c) There shall be at least 20 feet of spacing between mobile homes.

(cm) Notwithstanding par. (c), in mobile home parks established on or before May 31, 1998, there shall be at least 10 feet of spacing between mobile homes. Expansions of such parks after May 31, 1998, whether by increasing the land area of the park or by placing additional homes in the park, or both, shall comply with the 20 foot spacing standard of par. (c).

(d) Mobile homes shall not be located closer to a public road than provided for in section 10.17 of this ordinance.

(e) Each space or lot shall provide off-street parking as required in section 10.18.

(f) Each lot 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 lots.

(g) Each mobile home park shall provide a park and recreation area of at least ½ acre for each 50 or fraction of 50 lots in the park. The park and recreation area shall be located to provide easy access for all residents in the park. 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 park.

(h) All interior roads and streets of a mobile home park shall conform to the standards for platted roads and streets as provided for in chapter 75, D. C. Ords., and shall be paved in accordance with the paving standards of the town in which the park is located.

(i) Coincidental with an application for a conditional use permit for a mobile home park, a preliminary map of the park shall be submitted, showing the proposed lot delineations, location of streets, access points to public roads, location of proposed buildings, park and recreational areas. A landscaping plan may also be submitted as provided for in section 10.08(10)(f).

(j) Upon the approval and before the issuance of a conditional use permit for a mobile home park, the owner shall furnish to Dane County six (6) copies of a map drawn to scale of the park showing the location of all interior roads, adjacent or abutting roads and points of access. Lots shall be clearly delineated and numbers assigned to each lot in sequence beginning with number 1.

(k) Spacing between mobile homes and accessory buildings shall be in accordance with Wis. Admin. Code ILHR 21.08(5), but in no case shall be less than five (5) feet.

(L) Spacing between mobile homes as set forth in paragraph (c) shall be exclusive of decks, cabanas and accessory buildings including sheds.

(m) Mobile homes may be removed and replaced in a mobile home park provided that replacement is in compliance with the regulations of this subsection applicable to the park.

[**History**: (6), (7) and (8) am., OA 30, 1991-92, pub. 04/22/92; (2)(c) and (10)(i) am., OA 16, 1996-97, pub. 01/16/97; (10)(a), (c) and (e) am. and (10)(k), (L) and (m) cr., OA 19, 1997-98, pub. 05/30/98, eff. 05/31/98.; (10)(e) am.,

OA 39, 1997-98, pub. 08/17/98; (10)(h) am., OA 3, 2000-01, pub. 10/19/00; (10)(c) am. and (cm) cr., OA 30, 2000-2001, pub. 06/21/01.]

10.09 RH-1 RURAL HOMES DISTRICT. (1) *Permitted uses.* **(a)** All uses permitted in the R-1 Residence District.

(b) Agricultural uses, the number of livestock kept on a zoning lot in the RH-1 District shall not exceed one animal unit for each full acre.

(c) Home occupations, as defined in section 10.01(25).

(d) Utility services.

(e) Uses and buildings, clearly incidental and necessary to a permitted use on the premises.

(2) *Conditional uses permitted in the RH-1 Rural Homes District.* **(a)** Day care centers.

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

(c) Governmental uses.

(d) Religious uses.

(e) Dependency living arrangements.

(f) Bed & breakfasts.

(g) Schools.

(3) *Building height limit.* Residential buildings, and accessory buildings, shall not exceed two and one-half (2½) stories or 35 feet.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 2 acres.

(5) *Lot coverage.* No residential building together with its accessory buildings shall cover in excess of 10% of the lot area.

(6) *Setback requirements.* Setback from front lot line or highway right-of-way lines shall conform to the requirements of section 10.17.

(7) *Side yard requirements.* **(a)** For residential buildings there shall be a total of 25 feet of side yards and no single side yard shall be less than 10 feet.

(b) Accessory buildings for the housing of livestock shall be located not less than 50 feet from any side lot line.

(c) Other accessory buildings shall be located not less than 10 feet from any side lot line.

(8) *Rear yard requirements.* **(a)** For residential buildings, the minimum rear yards shall be not less than 50 feet.

(b) Accessory buildings for the housing of livestock shall be located not less than 50 feet from any rear lot line.

(c) Other accessory buildings shall be located not less than 10 feet from any rear lot line.

(9) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[**History**: (2)(f) cr., OA 2, 1995-96, eff. 09/12/95; (2)(g) cr., OA 16, 1997-98, pub. 03/03/98; (9) cr., OA 39, 1997-98, pub. 08/17/98; (3) am., OA 4, 2011-12, pub. 08/01/11.]

10.091 RH-2 RURAL HOMES DISTRICT. (1) *Permitted uses.* All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 4 acres.

(5) *Lot coverage, setback, side yard and rear yard requirements* shall be the same as for the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[**History**: (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.092 RH-3 RURAL HOMES DISTRICT. (1) *Permitted uses.* All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 8 acres.

(5) *Lot coverage, setback requirements, side yard requirements and rear yard requirements* shall be the same as the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[**History**: (1), (2), (3) and (4) am., OA 16, 1996-97, pub. 01/16/97; (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.093 RH-4 RURAL HOMES DISTRICT. (1) *Permitted uses.* All uses permitted in the RH-1 Rural Homes District.

(2) *Conditional uses.* All conditional uses permitted in the RH-1 Rural Homes District.

(3) *Building height limit.* Shall be the same as the RH-1 Rural Homes District.

(4) *Lot width and area.* The minimum lot width shall be 150 feet to be measured at the front

building line of a residence, also at the location of any accessory building for the housing of livestock. The minimum lot area shall be not less than 16 acres.

(5) *Lot coverage, setback, side yard and rear yard requirements* shall be the same as for the RH-1 Rural Homes District.

(6) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[History: (6) cr., OA 39, 1997-98, pub. 08/17/98.]

10.10 RE-1 RECREATIONAL DISTRICT.

(1) *Permitted uses.* **(a)** Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, provided that if located outside of a building they shall not be lighted to operate during the hours of darkness.

(b) Boat, canoe and snowmobile rental services.

(c) Sale of bait for fishing.

(d) Ski slopes and jumps, toboggan slides.

(e) Residences for an owner or caretaker of a permitted use in the RE-1 Recreational District.

(f) Uses incidental to the operation of any permitted use.

(g) Utility services.

(2) *Conditional uses permitted in the RE-1 Recreational District.* **(a)** Recreational camps, campgrounds and camping resorts along with the services and facilities necessary to serve the premises. All such camps shall comply with the standards established in Wis. Admin. Code, chapters H 75 and H 78, or as amended.

(b) Recreational facilities including, but not limited to, golf courses, golf driving ranges, tennis courts, archery ranges and baseball diamonds, that are located outside of a building and are lighted to operate during the hours of darkness.

(c) Rental of residential buildings to someone other than an employee or caretaker on the premises.

(d) Sale of alcoholic beverages by the drink.

(e) Skeet, trap, rifle and pistol ranges.

(f) Private hunting and shooting preserves.

(g) Governmental uses.

(3) *Building height limit.* **(a)** For residential dwelling two and one-half (2½) stories or 35 feet.

(b) For other buildings and structures, four (4) stories or 50 feet.

(4) *Lot width and area.* A lot shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.

(5) *Building setback requirements.* Setback from front lot line or highway right-of-way line shall conform to the requirements of section 10.17.

(6) *Side yards.* **(a)** For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum side yard shall be not less than 10 feet.

(b) For buildings used for other permitted or conditional uses, the minimum side yard shall not be less than 10 feet except if the adjacent or abutting land is in a residence district, then the minimum side yard shall be not less than 50 feet.

(7) *Rear yards.* **(a)** For single family residences for an owner or caretaker of a permitted or conditional use on the premises, the minimum rear yard shall be not less than 25 feet.

(b) For buildings used for other permitted or conditional uses, the minimum rear yard shall be not less than 25 feet except if the adjacent or abutting land is in a residence district, the minimum rear yard shall be not less than 50 feet.

(8) *Off-street parking.* Off-street parking shall be provided as required by section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a Certificate of Compliance.

[History: (1)(e) and (9) am., OA 16, 1996-97, pub. 01/16/97.]

10.11 B-1 LOCAL BUSINESS DISTRICT. (1) *Intent and purpose.* The B-1 Local Business District is to provide a zoning district for retail businesses and services that do not include manufacturing or major assembly of items or products. Residential use is intended to be limited, outside storage of items is restricted and landscaping of properties is required.

(2) *Permitted uses.* The following are permitted uses in the B-1 Local Business District:

(a) Retail sales or retail service businesses including related services but not including sales, servicing or repair of motor vehicles or any business or service for which the items offered for sale or which require service are stored, parked or displayed outside of a building, except as provided by this ordinance.

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

(c) Storage of items or materials incidental to an established retail or service use on the

premises but not to serve any other business or location. Said storage shall be in an enclosed building or enclosed area as provided by section 10.16 of this ordinance. Mini-warehouses are considered to be warehousing and are not permitted in the B-1 Local Business District.

(d) Medical, dental and veterinary clinics.

(e) Banks, offices and office buildings.

(f) Utility services.

(g) Schools and educational facilities except truck driving or construction equipment operator schools.

(h) Recreational facilities affiliated with a permitted B-1 use and which are not lighted for night operation.

(i) Rental or lease of boat slips.

(j) Private clubs or organizations.

(k) Theaters and auditoriums.

(L) Crematoriums.

(3) *Conditional uses permitted in the B-1 Local Business District.* **(a)** Residential uses limited to apartments constructed as part of a building housing a permitted use in the B-1 District, multi-family dwellings and rooming or boarding houses.

(b) Buildings which have more than four (4) stories.

(c) Motels and hotels.

(d) Hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in section 10.08(10).

(f) Conference and convention centers.

(g) Governmental uses.

(h) Recreational facilities affiliated with a permitted B-1 use and lighted to operate at night.

(i) Outdoor sales events, other than as permitted by s. 10.11(2)(b), and which are limited to a specific duration.

(j) Buildings proposed to be more than four (4) stories in height.

(4) *Building height limit.* Building height shall be limited to the lesser of six (6) stories or 75 feet. A conditional use permit is required for buildings proposed to be over 4 stories in height.

(5) *Area, frontage and population density regulations.* **(a)** For parcels or sites to be used exclusively for business purposes, there is no minimum parcel width and no area limitations. Buildings shall not occupy in excess of 60 percent (60%) of the area of a parcel.

(b) Parcels or sites which will be used for multi-family residential purposes or for combined business and apartment uses shall not be less than 60 feet in width at the building setback line and shall provide parcel areas as follows:

1. On parcels not serviced by public sewer a minimum of 5,000 square feet of parcel area shall be provided for each apartment.

2. On parcels serviced by public sewer a minimum parcel area shall be provided as follows:

a. For each efficiency apartment and apartments which have one or two bedrooms a parcel area of 2,000 square feet shall be provided.

b. For each apartment containing three or more bedrooms a minimum of 2,250 square feet of parcel area shall be provided.

3. The setback, side yard, rear yard and parking space areas may be used to satisfy the required parcel area for apartments.

(6) *Setback from road and front property line and front yard requirements.* **(a)** Buildings in rural areas shall be set back from both the front lot line and any road right-of-way as provided by section 10.17 of this ordinance.

(b) Buildings in urban areas which are used strictly for commercial uses shall be set back from both the front lot line and any road right-of-way a minimum distance of 5 feet.

1. Buildings in urban areas which are used for residential uses or a combination of commercial and residential uses shall be set back from the front property line and any road right-of-way as provided by section 10.17 of this ordinance.

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

(d) Buildings located in the interior of a complex shall provide a front yard of not less than 15 feet. Each building shall be provided with its own front yard area irrespective of the yards required for other buildings.

(7) *Side yard requirements.* **(a)** Buildings which are 2 stories or less in height shall have a minimum 10 foot side yard on each side of the building.

(b) Buildings which are more than 2 stories in height shall have side yards as follows:

1. If the side of a building does not include any windows for apartment dwellings or offices a minimum side yard of 10 feet on that side is required.

2. If the side of a building does include windows for apartment dwellings or offices an additional 5 feet of side yard for each story over 2 stories is required on that side.

(c) Buildings located within a complex shall each be provided with their own side yard areas

irrespective of the yards required for other buildings.

(8) *Rear yard area requirements.*

(a) Buildings which are 2 stories or less in height shall have a minimum rear yard of 10 feet.

(b) Buildings which are more than 2 stories in height shall have rear yards as follows:

1. If the rear of a building does not include any windows for apartment dwellings or offices a minimum rear yard of 10 feet is required.

2. If the rear of a building does include windows for apartment dwellings or offices an additional 5 feet of rear yard for each story over 2 stories is required.

(c) Buildings located within a complex shall each be provided with their own rear yard areas irrespective of the yards required for other buildings.

(9) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(10) *Screening provisions.* On lots adjacent to or abutting land in a residence district, screening shall be provided in accordance with the provisions of section 10.16(7).

(11) *Landscaping.* All properties on which new construction or expansion of use is proposed shall provide landscaping in accordance with section 10.16(7).

(12) *Truck parking.* Truck parking is subject to section 10.18(8) of this ordinance.

[**History**: (2)(i) cr., Zoning OA #3227, adopted 06/07/84; (2)(j) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (3)(i) cr., Zoning OA #3227, adopted 06/07/84; (3)(k) cr., OA 16, 1993-94, pub. 12/27/93; 10.11 am., Sub. 2 to OA 29, 1991-92, pub. 04/22/92; (1), (2 intro.), (2)(c), (3)(a), (6), (10) and (11) am., OA 16, 1996-97, pub. 01/16/97; (3)(a) am., OA 40, 1996-97, pub. 05/14/97; (12) am., OA 39, 1997-98, pub. 08/17/98; (3)(k) rep., OA 3, 1998-99, pub. 09/24/98; (2)(l) cr., OA 38, 2004-05, pub. 09/12/05.]

10.111 LC-1 LIMITED COMMERCIAL DISTRICT. (1) *Statement of purpose.* The Limited Commercial Zoning District is intended for small commercial uses that may need to locate in predominantly rural areas due to their often large service areas and their need for larger lot sizes. In appearance and operation, such uses are often similar to agricultural uses and are therefore more suitable to a rural area. Such uses include, but are not limited to, contractor, transportation, building trades and landscaping operations, and are typically characterized by:

(a) Outdoor stockpiles of materials;

(b) Storage and maintenance of large construction or transportation equipment;

(c) No retail sales;

(d) Low traffic volume;

(e) Limited outdoor lighting and signage;

(f) Early morning activity, and;

(g) Large, utilitarian buildings, often with metal siding.

(2) *Permitted Uses.*

(a) Office uses, the number on site employees is limited to no more than six (6).

(b) Indoor Storage.

(c) Incidental Indoor Maintenance.

(d) Incidental Parking for employees, consistent with s. 10.18.

(e) Utility Services.

(3) *Conditional Uses.*

(a) Outdoor Storage.

(b) Single Family Residences for a caretaker or owner of the business.

(c) Light Industrial.

(d) Limited Rural Businesses as defined in s. 10.01(30g).

(e) Storage of more than 12 total vehicles and pieces of construction equipment.

(4) *Vehicle and Equipment Limitations.* The total number of vehicles and pieces of construction equipment shall not exceed 12, unless authorized by a conditional use permit.

(5) *Building size limitations.*

(a) Commercial buildings shall not exceed 10,000 square feet in total floor area and shall not exceed 35 feet in height or two and one-half (2-1/2) stories.

(b) Residential buildings shall not exceed 35 feet in height or two and one-half (2-1/2) stories.

(6) *Lot area.*

(a) *Minimum lot area.* Lots shall be not less than 100 feet of lot width and 20,000 square feet of lot area.

(b) *Maximum lot area.* Lots shall not exceed 5 acres in area.

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

(8) *Building setback requirements.*

(a) Setback from front lot line to highway right-of-way line shall conform to the requirements of section 10.17.

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

(9) *Side yard requirements.* The minimum width for any side yard shall not be less than 10 feet for any building.

(10) *Rear yard requirements.*

(a) For buildings used for commercial purposes and residential accessory buildings the minimum rear yard shall be not less than 10 feet.
(b) For residential buildings the minimum rear yard shall be not less than 25 feet.
(11) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
(12) *Screening requirements.* For lots adjacent to a Residential district, Rural Homes district, or A-2 Agriculture district, the screening provisions of section 10.16(7) shall be complied with prior to the establishment of a commercial use.
[**History**: cr., OA 10, 2010-11, pub. 12/10/10.]

10.12 A-1 AGRICULTURE DISTRICT. (intro.) This district is in effect only in those towns which have not elected to have the A-1 Exclusive Agriculture District apply in their towns.[1]
(1)(a) The A-1 Agriculture District is generally for agricultural production and related uses. Residences and a variety of other non-farm uses are permitted. The district does not qualify for Farmland Preservation Credit.
(b) *Applicability.* This section shall apply to all towns within Dane County, except those which have elected to come under the provisions of section 10.123 of the Dane County Code of Ordinances, according to the procedure set forth therein.
(2) *Permitted uses.*
(a) Single family detached dwelling units.
(b) Agricultural uses.
(c) Utility services.
(d) Home occupations, as defined in section 10.01(25).
(e) Day care for not more than 8 children.
(f) Accessory buildings.
1. Such buildings shall not be used for residential purposes or for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.
2. One accessory building may be built in the A-1 Agriculture District without the necessity of there being a residence on the property.
(g) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises is permitted. Such storage shall be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this ordinance.
(h) Sale of unprocessed agricultural products produced on the farm.
(i) Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.
(3) *Conditional uses permitted in the A-1 Agriculture District.* **(a)** Mineral extraction operations, asphalt plants, ready mix concrete plants.
1. Mineral extraction operations require a description of the operation, a site plan and a reclamation plan and are otherwise subject to s. 10.191.
(b) Radio, television transmitting towers, microwave towers, community television antenna installations including the buildings or structures necessary for their operation but not including buildings for offices, studios or the like.
(c) Buildings for private clubs, fraternities and associations, provided such facilities are open to members only and do not provide a service which would normally be provided as a business and that such buildings be located not less than 100 feet from any lot in a residence district.
(d) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites. These shall also comply with section 60.72 of the Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources pursuant to sections 144.43 and 144.44 of the Wis. Stats.
(e) Cemeteries.
(f) Airports, landing strips or landing fields together with accessory structures.
(g) Veterinary clinics and hospitals provided that such buildings be located not less than 100 feet from any lot in a residence district.
(h) Religious uses.
(i) Salvage recycling centers.

[1] As of January 1, 1997, the following towns have not elected to have the Exclusive Agricultural District apply in their towns: Bristol, Burke, Middleton and Springdale.

(j) Solid waste disposal operations.
(k) Governmental uses.
(L) Native wildlife rehabilitation facilities.
(m) Dependency living arrangements.
(n) Schools.
(o) Horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.
(p) Limited family businesses subject to s. 10.192.
(q) Kennels.
(r) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.
(t) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.
(u) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.
(v) Training of dogs at a dog kennel or training of horses at a horse boarding facility.
(w) Agricultural entertainment activities which are not a permitted use under sub. (2)(i).
(4) *Building height limits.* **(a)** Residential dwellings shall not exceed 2 1/2 stories or 35 feet in height.
(b) Residential accessory buildings shall not exceed 16 feet in height.
(c) Agricultural accessory buildings are not restricted as to height.
(5) *Area, frontage and population density regulations.* **(a)** For agricultural uses the area shall be not less than five (5) acres and the minimum width shall be two hundred fifty (250) feet, the width to be measured at the location of agricultural accessory buildings.
(b) For residential uses the lot width and area shall be the same as for the R-1 Residence District.
(c) For other permitted uses, no minimum width or area except for those uses for which special setback and side yards have been established.
(6) *Setback requirements.* No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer a highway than is prescribed by section 10.17.
(7) *Side yard requirements.* **(a)** Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.
(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.
(8) *Rear yard requirements.* **(a)** Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.
(b) Accessory buildings, cages, hives, kennels and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.
(9) *Off-street parking.* Off-street parking shall be provided as required by section 10.18.
[History: 10.12 (entire) am., Sub 3 to OA 36, 1987-88, pub. 08/02/88; (3)(i) and (j) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(g) renum. as (3)(s), OA 17, 1992-93, pub. 10/09/92; (7)(b) am., Sub. 1 to OA 31, 1992-93, pub. 04/14/93; 10.12 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(t) am., OA 8, 1994-95, pub. 09/02/94; (3)(u) cr., OA 9, 1994-95, pub. 09/02/94; (3)(v) cr., OA 10, 1994-95, pub. 09/02/94; (Intro.), (3)(a)1., (7)(b) and (8)(b) am. and (3)(s) rep., OA 16, 1996-97, pub. 01/16/97; (3)(n) am., OA 16, 1997-98, pub. 03/03/98; (intro.) am., OA 3, 2000-01, pub. 10/19/00; reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; (2)(f)2. am., OA 5, 2003-04, pub. 12/23/03; (2)(h) and (i) and (3)(w) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05; (2(g) and (5)(a) am., OA 4, 2011-12, pub. 08/01/11.]

10.121 A-B AGRICULTURE BUSINESS DISTRICT.
(1) *Purpose.* The A-B Agriculture-Business District is designed to:
(a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The A-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. In appearance and

operation permitted uses in the A-B district are often indistinguishable from an active farm. 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. Examples of activities in the A-B district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:

1. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;

2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;

3. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;

4. Low to moderate traffic volumes;

5. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

(b) 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 uses listed as conditional uses below.

(c) Agriculture-related uses, except uses listed as conditional uses below, consistent with the purpose statement for the A-B district.

(d) Undeveloped natural resources and open space areas.

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

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

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

(3) *Conditional uses.*

(a) Agricultural accessory uses: In addition to the other requirements of this ordinance, the following uses must meet the definition of an agricultural accessory use under s. 10.01(2b).

1. Farm residences.

2. Limited family businesses or limited rural businesses, including bed and breakfast operations in an existing farm residence located on a farm.

3. A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(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. 10.01(2c).

1. Plant or livestock genetic laboratories, agriculture-related experimental laboratories;

2. Landscape supply or contracting businesses associated with a plant or tree nursery;

3. Dead stock hauling services;

4. Sales or storage of agricultural byproducts;

5. Stock yards, livestock auction facilities;

6. Bio-diesel and ethanol manufacturing;

7. Manure processing facilities;

8. Biopower facilities for distribution, retail, or wholesale sales.

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

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

(e) Non-metallic mineral extraction operations that comply with s. 91.46(6), Wis. Stats., section 10.191 and chapter 74. The application shall include a description of the operation, a site plan, and a reclamation plan.

(4) *Standards for conditional uses in the A-B (agricultural business) zoning district.* In addition to the requirements of s. 10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-B (agricultural business) zoning district.

(a) The use and its location in the A-B agricultural business zoning district are consistent with the purposes of the district.

(b) The use and its location in the A-B agricultural business zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around

the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) *Building height limit.*

(a) For buildings containing offices, sales rooms and service areas and residential buildings, the maximum height shall be two and one-half (2-1/2) stories or 35 feet.

(b) For all other buildings such as silos, bins and feed and seed storage facilities, no maximum height.

(6) *Area and lot width.* A lot shall be not less than 100 feet in width at the building setback line and have an area of at least 20,000 square feet.

(7) *Density.* Buildings shall not occupy more than sixty percent (60%) of the area of an interior or corner lot.

(8) *Setback requirements.* Buildings that are erected, altered or moved shall be set back not less than is prescribed in section 10.17.

(9) *Side yard requirements.* Ten (10) feet.

(10) *Rear yard requirements.* Ten (10) feet.

(11) *Off-street parking.* Off-street parking shall be provided as required by section 10.18.

(12) *Rezoning of land in the A-B Agriculture Business District.* No land in the Agriculture Business District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

[**History**: (1) and (3)(d) cr., Sub 3 to OA 36, 1987-88, pub. 08/02/88; 10.121 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(e) and (f) cr., OA 9, 2006-07, pub. 02/26/07; 10.121 (entire) am., OA 14, 2012-13, pub. 12/18/12.]

10.122 A-Ba TRANSITIONAL AGRICULTURE BUSINESS DISTRICT.

(1) *Purpose.* The A-B(a) Transitional Agriculture Business District is designed to:

(a) Accommodate, for an unspecified period of time, agricultural, agriculture accessory and agriculture-related uses in areas ultimately planned for nonfarm urban or rural development. The district applies to such existing or proposed uses on properties located outside of mapped agricultural preservation areas as shown in the *Dane County Farmland Preservation Plan.*

(b) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The A-B(a) 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. In appearance and operation permitted uses in the A-B(a) district are often indistinguishable from an active farm. 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. Examples of activities in the A-B(a) district may include, but are not limited to, agricultural support services, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:

1. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;

2. Parking areas, outdoor lighting, and signage appropriate to the scale of use;

3. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;

4. Low to moderate traffic volumes;

5. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

(2) *Permitted uses.* All uses permitted in the A-B Agriculture Business District.

(3) *Conditional uses.* All conditional uses permitted in the A-B Agriculture Business District.

(4) *Building height limit.* Building height shall be the same as for the A-B Agriculture Business District.

(5) *Area, frontage and population density regulations.* Area, frontage, and population density regulations shall be the same as for the A-B Agriculture Business District.

(6) *Setback requirements.* Setback requirements shall be the same as for the A-B Agriculture Business District.

(7) *Side yard requirements.* Side yard requirements shall be the same as for the A-B Agriculture Business District.

(8) *Rear yard requirements.* The minimum rear yard shall be the same as for the A-B Agriculture Business District.

(9) General provisions applicable to the A-B(a) Transitional Agriculture Business District shall be the same as for the A-B Agriculture Business District.

(10) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.

[**History**: 10.122 cr., OA 18, 2013-14, pub. 12/17/13.]

10.123 A-1 EXCLUSIVE AGRICULTURE [A-1(EX)] DISTRICT. (intro.) This district is in effect in those towns which make the election under sub. (1)(c) below. [2]

(1) *Purpose and applicability.*

(a) State of purpose. The A-1 Exclusive Agriculture District is designed to:

1. Provide for a wide range of agriculture and agricultural accessory uses, at various scales. The A-1(EX) district accommodates as permitted uses all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials. Such uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.

2. Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market. Such uses are conditional as they may have the potential to pose conflicts with agricultural use due to: volumes or speed of vehicular traffic; residential density; proximity to incompatible uses; environmental impacts; or consumption of agriculturally productive lands.

3. Allow for other incidental activities, compatible with agricultural use, to supplement farm family income and support the agricultural community.

4. Preserve productive agricultural land for food and fiber production.

5. Preserve productive farms by preventing land use conflicts between incompatible uses.

6. Maintain a viable agricultural base to support agricultural processing and service industries.

7. Reduce costs for providing services to scattered non-farm uses.

8. Pace and shape urban growth.

9. Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

(b) *Lands to be included within the A-1 Exclusive Agriculture District.* This district is generally intended to apply to lands in productive farm operations including: lands historically exhibiting good crop yields or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; other lands which are integral parts of such farm operations; land used for the production of specialty crops such as mint, sod, fruits and vegetables; and lands which are capable of productive use through economically feasible improvements such as irrigation, and undeveloped natural resource and open space areas.

(c) *Applicability.* This section shall apply only to those towns, or portions of said towns, which have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district. Towns which have filed resolutions indicating acceptance of the exclusive agriculture district prior to the date of this amendment shall continue to be under the provision of this section.

(2) *Permitted uses.*

(a) Agricultural Uses, except those uses listed as conditional uses below. Keeping of livestock is prohibited on parcels smaller than 5 acres.

(b) Agricultural Accessory Uses, except those uses listed as conditional uses in s. 10.123(3), and subject to the limitations and standards below.

1. Any residence lawfully existing as of February, 20, 2010 shall be considered a permitted use. Notwithstanding the provisions of secs. 10.21 and 10.23 regarding nonconforming uses, such structure may be added to, altered, restored, repaired, replaced or reconstructed, without limitation, 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

[2] As of January 1, 1997, the following towns have made this election: Albion, Berry, Black Earth, Blooming Grove, Blue Mounds, Christiana, Cottage Grove, Cross Plains, Dane, Deerfield, Dunkirk, Dunn, Madison, Mazomanie, Medina, Montrose, Oregon, Perry, Pleasant Springs, Primrose, Roxbury, Rutland, Springfield, Sun Prairie, Vermont, Verona, Vienna, Westport, Windsor and York.

approved by the relevant town board and county zoning committee.

2. Rental of existing farm or secondary farm residences existing as of December 12, 2012, but no longer utilized in the operation of the farm.

3. Agricultural entertainment activities, not to exceed 45 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.

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 five days in a calendar year or less.

5. Small scale energy systems or electric generating stations, provided energy produced is used primarily on the farm.

(f) Undeveloped natural resource and open space areas.

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

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

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

(3) *Conditional uses in the A-1 Exclusive Agriculture District.* 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. 10.01(2b).

1. Farm Residence, subject to sub. (4).

2. Limited Family Businesses, that are entirely within an existing building, subject to s. 10.192.

3. Limited Rural Businesses that are operated by an owner or operator of the farm.

4. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

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

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 existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.

7. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five days in a calendar year.

8. Agricultural entertainment activities exceeding 45 days per year, in aggregate.

9. Horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Such uses must meet the definition and criteria for an Agricultural Accessory Use under s. 10.01(2b)(d), or a Limited Family Business under s. 10.01(30fa) and 10.192, or a Limited Rural Business under s. 10.01(30g).

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

(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., section 10.191 and chapter 74. The application shall conform to the requirements of s. 10.191(2).

(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) Small scale electric generating stations, meeting the requirements of s. 91.46(4), Wis. Stats., and not listed as a permitted use in s. 10.123(2).

(4) *Conditional use permits for residences in the A-1 Exclusive Agriculture zoning district.*

(a) Application. The following information must be submitted with a Conditional Use Permit

application for a Farm Residence in the A-1EX district:

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 IRS 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. All active farms in Dane County have a farm conservation plan 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. The Zoning Committee shall include a "sunset" provision on any CUP for a residential use issued after December 17, 2009 in the A-1EX district stating that the CUP shall expire upon sale of the property to an unrelated 3rd party. Upon sale of the property to an unrelated 3rd party, a new Conditional Use Permit or rezoning application must be filed.

2. Any Conditional Use Permit found to be in violation of this section may be revoked by the Zoning Committee, and a zoning change to an appropriate residential district shall be required to bring the property and residential use into compliance with the provisions of this ordinance.

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

(5) *Standards for conditional uses in the A-1 Exclusive Agriculture zoning district.* In addition to the requirements of s. 10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-1(exclusive agriculture) zoning district.

(a) The use and its location in the A-1 Exclusive Agriculture zoning district are consistent with the purposes of the district.

(b) The use and its location in the A-1 Exclusive Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(6)(a) Residential dwellings shall not exceed 2 ½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(7) *Area, frontage, and population density regulations.*

(a) The minimum lot size is 35 acres.

(8) *Setback requirements.* No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(9) *Side yard requirements.*

(a) Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages or hives for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(10) *Rear yard requirements.*

(a) Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A, or R-4 Residence District, except with respect to existing structures when

the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(11) *General provisions applicable to the A-1 Exclusive Agriculture District.* In addition to the conditions provided for in sections 10.16(1) through (6a) the following additional conditions shall apply:

(a) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which was received for review by the agency prior to the effective date of A-1 Exclusive Agriculture zoning, was approved and recorded, shall have the same status as pre-existing lots as defined in section 10.16(3)(a).

(b) Residential and residential accessory buildings on parcels of less than 2 acres in the A-1 Exclusive Agriculture District shall comply with the standards of section 10.05(3).

(c) Any residential building or its accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the locational requirements of the R-1 Residence District are complied with.

(d) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.

(12) *Rezoning of land in the A-1 Exclusive Agriculture District.* No land in the Exclusive Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

[**History**: 10.123 am., OA 9, 1993-94, pub. 04/20/94; (3)(L) cr., OA 8, 1994-95, pub. 09/02/94; (intro.), (7)(b), (8)(b) and (9)(b) and (c) am. and (2)(bm) cr., OA 16, 1996-97, pub. 01/16/97; (3)(g) am., OA 16, 1997-98, pub. 03/03/98; (1)(a) and (b) and (2)(bm) am., and (9)(f) and (10) cr., OA 3, 2000-01, pub. 10/19/00; (2)(b) and (h), (3) and (5) am., Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; (2)(j), (k) and (L) and (3)(m) cr., Sub. 1 to OA 18, 2004-05, pub. 04/11/05; (2)(b) and (e), (3)(b) am., (3)(bm) and (br), (11) cr., (2)(bm) and (c) rescinded, Sub. 1 to OA 21, 2009-10, pub. 02/19/10; (2)(f) am. and (3)(n) cr., Sub. 1 to OA 37, 2010-11, pub. 06/23/11; (3)(L) and (4)(b) am., OA 4, 2011-12, pub. 08/01/11; (1)-(11) am., (12) cr., OA 12, 2012-13, pub. 12/18/12; (2)(b) am. and renum., (3)(e) and (f) am., 2015 OA-16, pub. 12/04/15.]

10.126 A-2 AGRICULTURE DISTRICT. (1) *Statement of purpose.* The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres.

(2) *Permitted uses.* **(a)** Agricultural uses.

(b) Single family detached residences.

(c) Utility services.

(d) Home occupations as defined in s. 10.01(25).

(e) Accessory buildings.

1. Accessory buildings include private garages and buildings clearly incidental to a permitted use of the premises. Such buildings shall not be used for residential purposes. The building shall not be used for the storage of goods or merchandise considered to be a dealer's inventory or for storage of machinery or equipment used off of the premises for other than agricultural purposes.

2. Accessory buildings may be built on parcels of land in the A-2 Agriculture District without the necessity of there being a residence on the property.

(3) *Conditional uses permitted in the A-2 Agriculture District.*

(a) Mineral extraction operations, asphalt plants, ready mix concrete plants.

1. Applications for mineral extraction operations require a description of the operation, a site plan and a reclamation plan, as provided for under section 10.191.

(b) Communication towers.

(c) Dumping grounds, sanitary landfill sites, demolition material disposal sites and incinerator sites shall also comply with section 60.72 of the Wis. Stats. and shall meet the minimum standards as adopted by the State Department of Natural Resources.

(d) Cemeteries.

(e) Airports, landing strips or landing fields together with accessory structures.

(f) Religious uses.

(g) Salvage recycling centers.

(h) Solid waste recycling centers.

(i) Dependency living arrangements.

(j) Governmental uses.

(k) Native wildlife rehabilitation facilities.

(L) Parking or storage of not more than two trucks, semi-tractors or semi-trailers which have a gross vehicle weight of over 12,000 lbs.

(m) Limited family businesses subject to s. 10.192.

(n) Schools.

(o) Kennels, horse boarding stables, riding stables, hay and sleigh rides, horse shows and similar events.

(p) Unlimited livestock on 3 to 16 acres.

(q) Sale of agricultural and dairy products not produced on the premises and incidental sale of pop and candy.

(r) The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those resident on the premises, this storage to be in existing agricultural accessory buildings. The storage of a dealer's inventory or the construction of any new buildings for storage shall be considered a commercial use and subject to the provisions of this chapter.

(s) Retail sales of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility. Said use shall be limited to a maximum of 150 sq. ft. of floor space.

(t) Retail sales of pet food, pet supplies and related items at a kennel facility. Said use shall be limited to a maximum of 100 square feet of floor space.

(u) Training of dogs at a dog kennel or training of horses at a horse boarding facility.

(v) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions regarding explosive materials.

(x) Sanitary plumbing fixtures in accessory buildings involved in an agricultural or agricultural accessory use on parcels over 5 acres in size.

(4) *Building height limits.*

(a) Residential dwellings shall not exceed 2½ stories or 35 feet in height.

(b) Accessory buildings shall not exceed 35 feet in height.

(c) For agricultural accessory buildings there is no limitation on height.

(5) *Area, frontage and population density regulations.*

(a) A-2 (1) = Minimum 1 acre.
A-2 (2) = Minimum 2 acres.
A-2 (4) = Minimum 4 acres.
A-2 (8) = Minimum 8 acres.
A-2 = Minimum 16 acres.

(b) *Keeping of livestock:*

1. On parcels of less than 2 acres the keeping of livestock is not permitted.

2. On parcels sized between 2 acres through 16 acres the keeping of livestock shall be limited to 1 animal unit per each full acre.

3. On parcels of more than 16 acres, there is no limit to the number of livestock that may be kept.

(c) Salvage recycling centers: Minimum area is three acres.

(d) For residential uses the lot width and area shall be the same as for the R-1 Residence District.

(e) For other permitted uses, there shall be no minimum width or area except for those uses for which special setback and side yard requirements have been established.

(6) *Setback requirements.* No building, including barns and other farm buildings of any description whatsoever, shall be erected, moved or structurally altered so as to be nearer the highway than is prescribed by section 10.17.

(7) *Side yard requirements.* **(a)** Side yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(8) *Rear yard requirements.* **(a)** Rear yards for residential dwellings and residential accessory buildings shall be the same as for the R-1 Residence District.

(b) Accessory buildings, cages, kennels, hives and runs for housing of animals or insects shall be located at least 100 feet from an R-1, R-1A, R-2, R-3, R-3A or R-4 Residence District, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(9) *Off-street parking.* Off-street parking space shall be provided in accordance with the provision of section 10.18.

[History: (3)(k) cr., OA 29, 1988-89, pub. 03/29/89.; (3)(i) am., OA 20, 1989-90, pub. 02/27/90; (2)(b) and (c), (3)(b), (f) and (i) am. and (2)(j) renum. as (3)(m), OA 17, 1992-93, pub. 10/09/92; (8)(b) am., Sub 1. to OA 31, 1992-93, pub. 04/14/93; (3)(b), (c) and (i) and (4) am., subs. (3)(m) through (q) cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (3)(g) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(f) renum. as (3)(r), OA 17, 1992-93, pub. 10/09/92; (5)(b) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (5)(c) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (7)(b) am., Sub. 1 to OA 31, 1992-93, pub. 04/14/93; am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; 10.126 (entire) am., OA 9, 1993-94, pub. 04/20/94; (3)(s) cr., OA 8, 1994-95, pub. 09/02/94; (3)(t) cr., OA 9, 1994-95, pub. 09/02/94; (3)(u) cr., OA 10, 1994-95, pub. 09/02/94; (3)(a)1., (7)(b) and (8)(b) am., OA 16, 1996-97, pub. 01/16/97; (3)(b) am., OA 57, 1996-97, pub. 09/02/97; (3)(n) am., OA 16, 1997-98, pub. 03/03/98; (3)(v) cr., OA 22, 1999-2000, pub. 06/27/00; (5)(b) am., OA 3, 2000-01, pub. 10/19/00; (3)(r), (4)(b) am. and (3)(x) cr., OA 4, 2011-12, pub. 08/01/11.]

10.127 A-3 AGRICULTURE DISTRICT.
(1) *Statement of purpose.* The purpose of the A-3 Agriculture District is to preserve, for an unspecified time period in agricultural and related open-space land uses, those lands generally located in proximity to developed areas within Dane County where urban expansion is inevitable and broadly in keeping with long time plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider developments in keeping with the local and regional land use plans pursuant to section 10.255(1)(d).
(2) *Permitted uses.* All uses permitted in the A-1 Exclusive Agriculture District.
(3) *Conditional uses permitted in the A-3 Agriculture District.* All conditional uses permitted in the A-1 Exclusive Agriculture District.
(4) *Building height limit.* Building height shall be the same as for the A-1 Exclusive Agriculture District.
(5) *Area, frontage and population density regulations.* As per the A-1 Exclusive Agriculture District.
(6) *Setback requirements.* Setback requirements shall be the same as for the A-1 Exclusive Agriculture District.
(7) *Side yard requirements. Side yard requirements* shall be the same as for the A-1 Exclusive Agriculture District.
(8) *Rear yard requirements.* The minimum rear yard shall be the same as for the A-1 Exclusive Agriculture District.
(9) General provisions applicable to the A-3 Agriculture District shall be the same as for the A-1 Exclusive Agriculture District.
(10) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History**: (8) and (9) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (8) and (9) am., OA 9, 1993-94, pub. 04/20/94; (6) and (7) am., OA 16, 1996-97, pub. 01/16/97; (10) cr., OA 39, 1997-98, pub. 08/17/98; (2), (3), (4) and (5) am., OA 3, 2000-01, pub. 10/19/00.]

10.129 A-4 SMALL LOT AGRICULTURE DISTRICT. **(1)** *Statement of purpose.* The A-4 district is designed to:
(a) Provide for a modest range of agriculture and agricultural accessory uses, at scales consistent with the size of the parcel and compatible with neighboring land uses. The A-4 district accommodates uses which are associated with production and harvesting of crops, livestock, animal products or plant materials. These uses may involve noise, dust, odors, heavy equipment, use of chemicals and long hours of operation.
(b) Allow for incidental processing, packaging, storage, transportation, distribution or other activities intended to add value to agricultural products produced on the premises or to ready such products for market.
(c) Preserve agricultural and open space uses on zoning lots between five (5) 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 Support Agriculture farms.
(e) Preserve remnant parcels of productive agricultural land following development of adjoining property.
(f) Meet the criteria for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.
(2) *Permitted uses.* The following are permitted uses in this district:
(a) *Agricultural uses.* The keeping of livestock shall be limited to one (1) animal unit per each full acre.
(b) *Agricultural Accessory Uses,* subject to the exceptions and limitations below.
1. *Exceptions.*
a. Farm residences.
b. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in s. 10.01(2b)(a) and (c) that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
c. Uses listed as conditional uses in s. 10.129(3).

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 five or fewer days in a calendar year.
(c) Undeveloped natural resource and open space areas.
(d) A transportation, utility, communication, or other use that is:
1. required under state or federal law to be located in a specific place, or;
2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.
(3) *Conditional uses.* The following uses require a Conditional Use Permit in this district:
(a) Agricultural uses. Livestock in excess of one animal unit per acre on parcels over five (5) acres in size.
(b) 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. 10.01(2b).
1. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
2. 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 existing accessory farm buildings. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited.
3. Agricultural entertainment activities not to exceed 45 days per year, in aggregate, or any event planned or anticipated to attract 200 or more persons per day. For any such activities planned or anticipated to have attendance of more than 200 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed annually with the zoning administrator, town clerk, servicing fire department, emergency medical service provider, Dane County Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year.
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 five days in a calendar year.
5. Farm family businesses for horse boarding stables, riding stables, hay and sleigh rides, and horse training facilities, including the sale of bridles, saddles, grooming supplies and related items at a horse boarding or riding stable facility.
(c) Governmental, institutional, religious, or nonprofit community uses.
(d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above.
(4) *Standards for conditional uses in the A-4 small lot agriculture zoning district.* In addition to the requirements of s. 10.255(2)(h), the zoning committee must find that the following standards are met before approving any conditional use permit in the A-4 small lot agriculture zoning district.
(a) The use and its location in the A-4 small lot agriculture zoning district are consistent with the purposes of the district.
(b) The use and its location in the A-4 small lot agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
(5) *Building height limits.* Building height limits shall be the same as those within the A-1 Exclusive Agriculture District.
(6) *Area, frontage and population density regulations.* **(a)** The minimum lot area shall be not less than 5 acres.
(b) The maximum lot area shall be not greater than 35 acres.
(7) *Setback requirements.* Setback requirements shall be the same as those within the A-1 Exclusive Agriculture District.
(8) *Side yard requirements.* Side yard requirements shall be the same as those within the A-1 Exclusive Agriculture District. [Side yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any residence (R) district.]
(9) *Rear yard requirements.* Rear yard requirements shall be the same as those within the A-1

Exclusive Agriculture District. [Rear yards for accessory buildings, cages, or hives housing animals or insects shall be at least 100 feet from any residence (R) district.]

(10) *General provisions applicable to the A-4 district.* In addition to the conditions provided for in sections 10.16(1) through (6)(a), the following additional conditions shall apply:

(a) Any agricultural accessory building that is located on a substandard parcel as defined herein and which is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt in the same location, even though such location may not comply with the setback requirements of this section.

(b) The provisions of section 10.16(1)(b)1. pertaining to real estate offices do not apply to lands in this district.

(c) Any permitted or conditional use in the A-4 Agriculture District must be consistent with agricultural use as defined in s. 91.01, Wis. Stats.

(11) *Rezoning of land in the A-4 Small Lot Agriculture District.* No land in the Small Lot Agriculture District shall be rezoned except in accordance with s. 91.48, Wis. Stats.

[History: cr., OA 21, 2008-09, pub. 02/05/09; (2)(d), (3)(d), and (9)(a) am., OA 4, 2011-12, pub. 08/01/11; 10.129 (entire) am., OA 13, 2012-13, pub. 12/18/12; (2) am., 2015 OA-16, pub. 12/04/15.]

10.13 C-1 COMMERCIAL DISTRICT. (1) *Permitted uses.* **(a)** Retail and service uses including, but not limited to, grocery stores, drugstores, hardware stores, appliance and furniture stores, barbershops and beauty shops without limitation as to size.

(b) Self service laundries and dry cleaning establishments.

(c) Warehousing and storage incidental to a permitted use on the premises. Mini-warehouses are excluded from use in this (C-1) district.

(d) Medical, dental and veterinary clinics.

(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space.

(f) Utility services.

(g) Rooming and boarding houses.

(h) Bakeries, printing plants, laundries, dry cleaning plants.

(i) Distribution centers and wholesale businesses.

(j) Woodworking shops, machine shops, manufacturing and assembly plants.

(k) Bicycle sales and service.

(L) Rental businesses, except for motor vehicles and construction machinery and equipment.

(m) Experimental laboratories not to exceed 5,000 square feet of floor area.

(o) Sales and repair of lawn and garden equipment.

(p) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(q) Marinas.

(r) Off-site parking of motor vehicles as provided in section 10.18(3)(c).

(s) Crematoriums.

(t) All uses permitted in the LC-1 Limited Commercial District.

(2) *Conditional uses permitted in the C-1 Commercial District.*

(a) Single family residences, duplexes, multi-family residences.

(b) Banks, offices, office buildings and condominium office buildings devoting more than two (2) floors to office space.

(c) Motels, hotels, taverns, funeral homes and drive-in establishments.

(d) Hospitals, veterinary hospitals, nursing homes, convalescent centers, extended care facilities.

(e) Mobile home parks, subject to special conditions as provided for in s. 10.08(10).

(f) Outdoor amusement parks or other entertainment activity that is open to the public on either a permanent or temporary basis.

(g) Indoor or outdoor movie theater.

(h) Automobile laundries, car wash facilities.

(i) Dog and cat boarding kennels, grooming and training facilities.

(j) Communication towers.

(k) Storage of motor vehicles awaiting disposition either as abandoned vehicles or for the settlement of an insurance claim.

(m) Governmental uses.

(n) Agricultural uses.

(o) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(3) *Building height limit.* **(a)** For business buildings, including offices, the maximum building height shall be four (4) stories, provided, however, that a conditional use permit shall be required for any building that provides more than two (2) stories devoted to office space.

(b) Lots or building sites for residential purposes or for combined business and residential uses shall comply with the requirements of the R-4 Residence District.

(4) *Area, frontage and population density regulations.* Area, frontage and population

density regulations shall be the same as for the B-1 Local Business District.

(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.

(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.

(7) *Rear yard requirements.* **(a)** For buildings to be used exclusively for business purposes the minimum depth of any rear yard shall be 10 feet.

(b) For residential buildings, or buildings combining residential and business uses, the minimum depth of any rear yard shall be 25 feet.

(8) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.

(9) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(8) shall be complied with prior to the issuance of a certificate of compliance.

[**History**: (1)(q) cr., Sub. 2 to OA 25, 1987-88, pub. 02/29/88; (1)(c) am., OA 1, 1994-95, pub. 09/02/94; (2)(c) and (3)(a) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (1)(r) cr., OA 39, 1997-98, pub. 08/17/98; (8) am., OA 3, 2000-01, pub. 10/19/00; (1)(s) cr., OA 38, 2004-05, pub. 09/12/05; (1)(t) cr., OA 27, 2005-06, pub. 05/16/06.]

10.14 C-2 COMMERCIAL DISTRICT.

(1) *Permitted uses.* **(a)** All uses permitted in the C-1 Commercial District without limitations as to size.

(b) Major repairs to motor vehicles.

(c) Sales of new and used motor vehicles.

(d) Sales of new and used mobile homes, recreational equipment rental, sales and service.

(e) Sales of new and used contractor's machinery and equipment.

(f) Repairs, storage and service of contractor's machinery and equipment.

(g) Rental and leasing of motor vehicles, contractor's machinery and equipment.

(h) Bulk fuel storage, sales and storage of lumber and building material.

(i) Truck and bus terminals.

(j) Auxiliary or supplemental electric generating stations.

(k) Fertilizer mixing or blending plants.

(L) Slaughterhouses, meat processing plants.

(m) Bottling plants.

(n) Utility services.

(o) Storage, repair and maintenance of carnival, concession and circus machinery and equipment.

(p) Automobile and truck driver training schools and construction equipment operator training schools that are privately owned and operated for profit.

(q) Parking or storing of motor vehicles.

(r) Storage or processing of scrap or waste materials, conducted entirely within a building.

(s) Warehouses.

(t) Games such as horseshoes, volleyball or similar activities not lighted for night operation.

(u) Mini-warehouses.

(v) Adult book stores, subject to the standards set forth in s. 10.193.

(w) All uses permitted in the LC-1 Limited Commercial District.

(2) *Conditional uses permitted in the C-2 Commercial District.*

(a) Outdoor amusement parks or other entertainment activity whether on a permanent or temporary basis that is open to the general public.

(b) Movie theaters, outdoor theaters.

(c) Drive-in establishments.

(d) Automobile race tracks, snowmobile race tracks and courses, all-terrain vehicle race tracks and courses and motorcycle race tracks including moto-cross and hill climbing courses.

(e) Mineral extraction subject to the special conditions of section 10.191.

(f) Solid waste disposal operations, sanitary landfill sites.

(g) Auto laundries, car washes.

(h) Taverns.

(i) Residence for a watchman or caretaker.

(j) Communication towers.

(k) Dog and cat boarding kennels, grooming and training facilities.

(L) Governmental uses.

(m) Agricultural uses.

(n) Games such as horseshoes, volleyball or similar activities lighted to operate at night.

(o) Religious uses.

(p) Motels and hotels.

(q) Storage of explosive materials in strict conformance with Wisconsin Administrative Code provisions relating to explosive materials.

(3) *Building height limit.* The maximum height for all buildings shall be fifty (50) feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.

(4) *Area, frontage and population density regulations.*

(a) The area and frontage shall be the same as for the B-1 Local Business District.

(b) Any principal building together with its accessory building shall not cover more than sixty percent (60%) of the lot area.
(5) *Setback requirements.* Setback from front lot line or highway right-of-way shall conform to the provisions of section 10.17.
(6) *Side yard requirements.* Side yard requirements shall be the same as for the B-1 Local Business District.
(7) *Rear yard requirements.* **(a)** For business and commercial buildings, the minimum depth of any rear yard shall be 10 feet.
(8) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a certificate of compliance.
(10) *Off-street parking.* Off-street parking shall be provided as required in section 10.18.
[**History:** (1)(u) cr., OA 1, 1994-95, pub. 09/02/94; (2)(o) cr., OA 42, 1994-95, eff. 09/26/95; (2)(d) am., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (2)(p) cr., OA 15, 1996-97, pub. 01/06/97; (2)(c) and (e) and (8) am., OA 16, 1996-97, pub. 01/16/97; (2)(j) am., OA 57, 1996-97, pub. 09/02/97; (10) cr., OA 39, 1997-98, pub. 08/17/98; (1)(v) cr., OA 3, 1998-99, pub. 09/24/98; (2)(q) cr., OA 22, 1999-2000, pub. 06/27/00; (1)(w) cr., OA 27, 2005-06, pub. 05/16/06.]

[**History**: 10.141: (1)(c) am., petition #4047, pub. 09/14/87; (8) am., OA 16, 1996-97, pub. 01/16/97; (9) cr., OA 39, 1997-98, pub. 08/17/98; (7)(a) and (b) am., OA 3, 2000-01, pub. 10/19/00; 10.141 resc., OA 10, 2010-11, pub. 12/10/10.]

10.145 EXP-1 EXPOSITION DISTRICT.
(1) The purpose of the EXP-1 Exposition District is to provide for a district in which may be conducted the usual and customary activities associated with fairgrounds and exposition centers, as permitted uses, and to provide for related activities on a discretionary basis, as conditional uses.
(2) The following are permitted uses in the EXP-1 Exposition District:
(a) fairs, carnivals, circuses and similar events;
(b) animal shows, including without limitation because of enumeration, horses, cattle, sheep, swine, poultry, cats, dogs, rabbits, mink and other animals;
(c) sporting events and practices for same;
(d) concerts and other musical events;
(e) commercial expositions and trade shows;
(f) conferences and meetings;
(g) governmental offices;
(h) rental of any permitted facility or facilities to the public;
(i) accommodation of temporary overnight stays by participants in permitted events, whether housed in campers, motorhomes, camping trailers, tents or dormitories;
(j) utility services;
(k) buildings and structures to house any permitted use; and
(L) any 4-H related activity.
(m) parking or storing of motor vehicles.
(3) The following are conditional uses in the EXP-1 Exposition District:
(a) governmental uses other than governmental offices;
(b) buildings of a height greater than 100 feet.
(c) hotels.
1. Accessory uses typically associated with exposition center hotels may also be allowed but only as incidental to the operation of a hotel.
(4) There shall be a building height limit of 100 feet for permitted uses.
(5) There shall be no minimum area, frontage or density requirements for permitted uses.
(6) Building setback shall be as required in s. 10.17.
(7) Side yard and rear yard requirements shall each be a minimum of 10 feet, except that there shall be no minimum side yard or rear yard requirements where lots zoned EXP-1 adjoin one another.
(8) Off-street parking shall be provided as required in s. 10.18, except that parking spaces for any use on a lot zoned EXP-1 may be located on an adjacent lot where such adjacent lot is also zoned EXP-1.
[**History**: 10.145 cr., Sub. 1 to OA 10, 1989-90, pub. 11/13/89; (2)(m) and (3)(c) cr. and (7) and (8) am., OA 23, 1997-98, pub. 08/17/98.]

10.15 M-1 INDUSTRIAL DISTRICT. (1) *Permitted uses.* **(a)** Major repairs to motor vehicles.
(b) Sales of new and used motor vehicles.
(c) Sales of new and used mobile homes.
(d) Sales of new and used contractor's machinery and equipment.
(e) Repairs and service of contractor's machinery and equipment.
(f) Rental and leasing of motor vehicles, contractor's machinery and equipment.
(g) Bulk fuel storage, sales and outside storage of lumber and building material.
(h) Truck and bus terminals.
(i) Auxiliary or supplemental electric generating stations.
(j) Fertilizer mixing or blending plants.
(k) Slaughter houses, meat processing plants.
(L) Bottling plants.
(m) Utility services.

(n) Foundries and forging plants.
(o) Structural steel fabrication plants.
(p) Metal pressing, stamping or spinning plants.
(q) Manufacturing and assembly plants for automobiles, farm equipment and construction machinery.
(r) Mobile home and manufactured housing plants.
(s) Parking or storing of motor vehicles.
(t) Storage or processing of scrap or waste materials, conducted entirely within a building.
(u) All uses permitted in the C-2 Commercial District.
(2) *Conditional uses permitted in the M-1 Industrial District.*
(a) Drive-in establishments.
(b) Automobile racetracks, motorcycle race tracks including moto-cross and hill climbing courses.
(c) Mineral extraction subject to the special conditions of section 10.191.
(d) Solid waste disposal operations, sanitary landfill sites.
(e) Auto laundries, car washes.
(f) Taverns.
(g) Residence for watchman or caretaker.
(h) Salvage recycling centers.
(i) Fertilizer manufacturing plants.
(j) Explosive and chemical manufacturing plants.
(k) Communication towers.
(L) Governmental uses.
(m) Agricultural uses.
(3) *Building height limit.* The maximum height for all buildings shall be 50 feet. Tanks, storage bins, silos and towers shall not be subject to this limitation.
(4) *Setback requirements.* Setback from front lot line or highway right-of-way shall comply with the provisions of section 10.17.
(5) *Side yard requirements.* For business or commercial buildings no side yards shall be required for interior lots; provided, however, that if a business or commercial building is built on a lot adjacent to a lot or parcel zoned residential, then that business or commercial building shall provide a side yard equal to that which is required for the building on the adjacent lot.
(6) *Rear yard requirements.* For business and commercial buildings, the minimum depth of any rear yard shall be 10 feet.
(7) *Off-street parking.* Off-street parking space shall be provided in accordance with the provisions of section 10.18.
(8) *Screening provisions.* On lots adjacent to or abutting land in a residence district, the screening provisions of section 10.16(7) shall be complied with prior to the issuance of a certificate of compliance.
[**History**: (2)(h) am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (2)(a) and (c) and (8) am., OA 16, 1996-97, pub. 01/16/97; (2)(k) cr., OA 57, 1996-97, pub. 09/02/97.]

10.151 AED ADULT ENTERTAINMENT OVERLAY DISTRICT. (1) *Statement of Purpose.* It is the purpose of this ordinance to establish reasonable and uniform regulations of the use of property for adult entertainment establishments in order to prevent the adverse secondary effects associated with these businesses and thereby promote the health, safety, morals, and general welfare of the citizens of Dane County. It is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by the exhibitors of sexually oriented entertainment to their intended market.
(2) *Findings.* While the County Board recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights, based on evidence concerning the adverse secondary effects of adult entertainment establishments on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Los Angeles v. Alameda Books, Inc.,* 535 U.S. 425 (2002); *Renton v. Playtime Theaters, Inc.,* 475 U.S. 41 (1986); *Thirteen Mile Rd. Inc. v. Warren,* 626 F. Supp. 803, (E.D. Mich. 1985); *Alexander v. Minneapolis,* 713 F. Supp. 1296 (DC Minn. 1989); *7250 Corp. v. Board of County Comrs.,* 799 P.2d 917 (Col. 1990); *Chicago v. Scandia Books, Inc.,* 102 Ill App. 3d 292 (1st Dist. 1981); *Islip v. Caviglia,* 540 N.E.2d 215 (N.Y. 1989); *Dumas v. Dallas,* 648 F. Supp. 1061 (N.D. Tex. 1986); *International Eateries of America, Inc. v. Broward County,* 726 F. Supp. 1568 (S.D. Fla. 1989); *Walnut Properties, Inc. v. City Council of Long Beach,* 100 Cal. App. 3d 1018 (2d Dist. 1980); *S&G News, Inc. v. Southgate,* 638 F. Supp. 1060 (E.D. Mich. 1986); *U.S. Partners Financial Corp. v. Kansas City,* 707 F. Supp. 1090 (W.D. Mo. 1989); *City of Vallejo v. Adult Books,* 167 Cal. App. 3d xxx (1st Dist. 1985); *County of Cook v. Renaissance Arcade & Bookstore,* 122 Ill 2d 123 (1988); *Derusso v. City of Albany, NY,* 205 F. Supp. 2d 16 (N.D. N.Y. 2002); *Mom N Pops, Inc.*

v. City of Charlotte, 979 F. Supp. 372 (W.D. N.C. 1997); *Venture I, Inc. v. Orange County, Tex.,* 947 F. Supp. 271 (E.D. Tex. 1996); *Community Visual Communications, Inc. v. City of San Antonio,* 148 F. Supp. 2d 764 (W.D. Tex. 2000); *Bronco's Entertainment, Ltd. v. Charter Tp. of Van Buren,* 421 F.3d 440 (6th Cir. 2005); *Brandywine, Inc. v. City of Richmond, Kentucky,* 359 F.3d 830 (6th Cir. 2004); *Holmberg v. City of Ramsey,* 12 F.3d 1413 (8th Cir. 1994); *Wooster v. Entertainment One, Inc.,* 158 Ohio App. 3d 161 (2004); *Grand Brittain, Inc. v. City of Amarillo, Tex.,* 27 F.3d 1068 (5th Cir. 1994); *Tollis, Inc. v. City of County of San Diego,* 505 F.3d 935 (9th Cir. 2007); as well as finding from papers, articles, studies and information from other communities including, but not limited to, Fort Worth & Dallas, Texas; Palm Beach County, Florida; Garden Grove, California; Austin, Texas; Phoenix, Arizona; Indianapolis, Indiana; and Los Angeles, California, the County of Dane, relying upon the experience of other local governments in this state and throughout the country, finds as follows:

(a) That adult entertainment establishments may have an adverse secondary effect on the surrounding community because the sexual nature of the business may, regardless of the intentions of the proprietors, attract persons seeking prostitution or unlawful drugs, or who are inclined to be disorderly or disruptive;

(b) Adult entertainment establishments are an intense commercial use which create a large volume of foot and automobile traffic in the vicinity of the establishment, which may require police and other municipal services which may not be readily available in towns, and which may conflict with the preservation of farmland by encouraging scattered commercial development;

(c) Adult entertainment establishments have their peak activity at hours and days which are incompatible with residential uses, and have a larger customer volume than other entertainment establishments;

(d) Because of the potential for negative impacts on property values, the peace and good order of the community and the welfare of individuals affected by adult entertainment establishments, it is necessary to minimize the secondary effects of adult entertainment;

(e) It is the intent of this section to protect the health, safety and welfare of the citizens of Dane County and to further preserve the quality of life and to preserve the urban and rural characteristics of its neighborhoods. The intent of the Adult Entertainment Overlay District is to regulate the location of such establishments; and

(f) 1. Nothing in this section shall be construed to permit the regulation of any activities conducted in adult entertainment establishments which are entitled to protection under the First Amendment of the United States Constitution, including:

a. plays, operas, musicals or other dramatic works that are not obscene;

b. classes, seminars, or lectures which are held for a serious scientific or educational purpose and that are not obscene.

c. rental or sale of video cassettes, DVD videodiscs, or other electronic media for private viewing off the premises.

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

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

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

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

(3) The overlay district shall apply only to all lands zoned M-1 Industrial.

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

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

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

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

(b) There shall be no display windows on the premises;
(c) The business may have only one (1) non-flashing business sign, and which shall be not larger than 4 feet by 4 feet;
(d) A one square foot sign shall be placed on each public entrance which shall state "Admittance to adults only" and may include other pertinent business information;
(e) The owner and operator of an adult entertainment establishment shall agree to comply with all Federal, State and Local laws and ordinances, including those regulating obscenity and alcoholic beverages, and shall further insure that minors are not allowed on the premises. Solicitation for purposes of prostitution shall be strictly prohibited; and
(f) There shall be no areas in the adult entertainment establishment in which entertainment is provided which are not fully visible from the main area of the establishment. No entertainment may occur in areas of the establishment which are set off by doors, curtains, screens, barriers, café or saloon doors or other obstructions.
(6) The provisions of this ordinance shall be severable. The County Board finds that it would have enacted all the provisions of this ordinance on the basis of any one of the findings in section (1).
[**HISTORY:** cr., OA 11, 2004-05, pub. 02/23/05; am., OA 32, 2004-05, pub. 06/02/05; am., OA 17, 2010-11, pub. 01/26/11.]

10.153 PUD PLANNED UNIT DEVELOPMENT DISTRICT. (1) *Statement of purpose.* The purpose of the PUD Planned Unit Development district is to promote improved development design by allowing greater flexibility and imagination in urban and rural development while ensuring substantial compliance with the intent of the zoning ordinance and adopted plans. The district allows variations in uses, structures, densities, setbacks and yard requirements, building heights, landscaping and other provisions for developments which are cohesively planned and implemented. In exchange for such flexibility, the project (hereinafter referred to as Planned Unit Development or PUD) must provide a higher level of design and functionality than normally required for other developments.
(2) *Permitted uses.* The only uses permitted within each mapped PUD district shall be those lawful use(s) in place at the time of PUD district mapping plus those uses explicitly listed, depicted and described as permitted uses within that particular PUD district.
(3) *Building height limit; Area, frontage and population density regulations; Lot coverage; Number of principal buildings per lot; Setback from road and front property line and front yard requirements; Side and rear yard requirements; Off-street parking; Screening and landscaping provisions; Sign regulations.* Zoning limitations on or requirements for building height, lot area, lot frontage/width, housing unit or population density, number of buildings per lot, lot coverage, setbacks, yard areas, off-street parking and loading, screening or landscaping, and signage shall be specified for each particular PUD district. Such requirements shall be generally described as part of an approved General Development Plan (GDP) for each PUD and explicitly specified as part of an approved Specific Implementation Plan (SIP). Where they provide sufficient detail, such specifications shall supersede similar specifications found elsewhere in the zoning ordinance.
(4) *Criteria for approval of PUDs.* Planned unit developments shall meet all of the following criteria to be approved:
(a) The development shall be consistent with a town comprehensive plan approved by both the town and county.
(b) The uses and their intensity, appearance, design and arrangement shall be compatible with the physical nature of the site and area, and shall not have a significant adverse impact on the natural environment.
(c) The uses and their intensity, appearance, design and arrangement shall in no foreseeable manner diminish or impede the uses, values and normal and orderly development of surrounding properties.
(d) The uses and their intensity, appearance, design and arrangement shall not create access issues, traffic or parking demand inconsistent with existing or anticipated transportation facilities.
(e) The development shall include adequate provision for the continued preservation, maintenance and improvement of natural areas and open space.
(f) The applicant shall provide evidence of financial feasibility and assurances that each phase can be completed in a manner which would not result in an adverse effect upon the community as a result of termination at that point.
(g) The development shall comply with all other applicable ordinances.

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

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

1. Prior to submitting a formal application, the prospective applicant shall present the concept of the proposed PUD to, and consult with, representatives from the affected town, staff from the planning and development department, and the zoning committee regarding the project, required application materials, and the PUD review process. These representatives may comment on the concept, but their comments are not binding on the representatives nor indicative of their position on a formal application. The review by the town and the zoning committee may take place at a joint meeting.

2. The applicant shall submit to the zoning administrator a formal application for GDP review and approval, along with required application materials. The zoning administrator shall process such applications under the standard zoning map amendment procedure, plus additional procedures established herein. The applicant shall include twenty-five (25) copies of all required materials, along with the applicable fee provided for in chapter 12.

3. The zoning administrator shall determine whether the GDP submittal is complete in reference to the following required application materials:

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

b. A complete written legal description of the subject property.

c. A map(s) of the subject property showing all lands for which the PUD is proposed, and all other lands within 1,000 feet of the subject property. Said map shall clearly indicate the current property owners and zoning of the subject property and all lands with 500 feet, the boundaries of all political jurisdiction(s) in the area and all lot dimensions of the subject property. The map shall be at a scale not less than one inch equals 800 feet.

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

i. general project themes, images and design concepts;

ii. general mix of dwelling unit types and land uses;

iii. approximate development densities;

iv. general treatment of natural features and provisions for open space preservation;

v. general relationship to nearby properties and existing and planned streets, highways and other transportation improvements;

vi. general relationship to the approved town land use plan; and

vii. a general plan for phasing, including a planned timeline for submittal of one or more SIPs.

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

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

i. land use types and mix (list range of permitted uses);

ii. density and intensity of land uses (list range of dwelling units per acre, lot sizes, lot frontages/widths, setbacks and yard requirements, lot coverage, building heights, lot dimensions, number of units, and floor area ratios for non-residential uses);

iii. landscaping and screening;

iv. off-street parking and loading;

v. signage; and

vi. other applicable standards.

g. GDP map(s) at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall also be provided) of the proposed project showing at least the following information:

i. land use layout and the location of major public streets and/or private drives;

ii. location of recreational and open space areas and facilities; and

iii. statistical data on lot sizes in the development, the approximate areas of large

development lots and pads, and density/intensity of various parts of the development.

h. A conceptual landscaping plan, noting approximate locations and types of existing and planned landscaping, screening and fencing.

i. A general signage plan, including approximate locations, types, heights, lighting and sign face areas.

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

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

L. 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.

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

5. 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.

6. 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.

7. 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.

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

(b) *Specific Implementation Plan (SIP).*

1. The applicant may submit to the zoning administrator an application for one or more SIPs along with required application materials within the delayed effective date period as established through county board approval of the rezoning to PUD (GDP approval). If such SIP(s) has not been submitted by the Delayed Effective Date, the approved GDP shall be null and void for those portions of the subject property not yet covered by an approved SIP, and the zoning administrator shall approve no further SIPs for the property under the previously approved GDP. In the event all or part of a GDP is rendered null and void, the zoning on the property shall revert to the zoning category existing prior to the PUD rezoning.

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

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

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

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

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

i. specific project themes, images and design features;

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

iii. 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;

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

v. 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

vi. a development schedule indicating project stages.

e. A written description demonstrating the consistency of the proposed SIP with the approved GDP and the criteria in s. 10.153(4), and identifying any and all deviations between the approved GDP and the proposed SIP.

f. An SIP map at a minimum scale of 1 inch equals 100 feet (11" x 17" reduction shall also be provided) of the proposed project showing at least the following information:

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

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

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

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

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

vi. location of all public and private utilities;

vii. location, type and intensity of outdoor lighting;

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

ix. statistical data on lot sizes in the development, the exact areas of all development lots and pads, density/intensity of various parts of the development, floor area ratios, and lot coverage percentages.

g. 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.

h. A signage plan for the project, including the type, location, height, dimensions, lighting and sign face area of all proposed signs.

i. An erosion control, drainage and stormwater management plan.

j. Building elevations for all buildings, including building heights and materials.

3. 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.

4. The planning and development director and zoning administrator shall review the submitted SIP with reference to the GDP approval, the evaluation criteria in section 10.153(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. 10.153(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.

5. 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.

6. As an alternative to SIP technical review by the zoning administrator, planning and development director and affected town, approval of the GDP may include detailed restrictive covenants specific to the PUD that establish a design review committee and design review process to review SIP submittals so as to ensure compliance with the GDP. All other requirements for the SIP per para. (b) above shall remain in effect if this option is approved by the town and county as part of the GDP.

[HISTORY: 10.153 cr., OA 44, 2009-10, pub. 02/15/10.]

10.155 CO-1 CONSERVANCY DISTRICT.

(1) *Statement of purpose.* The purpose of the CO-1 Conservancy district is to protect, maintain, and enhance natural resource and open space areas. Limited permitted and conditional uses are offered, and regulation of these areas will serve to control erosion and promote the rural

character and natural beauty of the County while seeking to assure protection of areas with significant topography, natural watersheds, ground and surface water, wildlife habitat, recreational sites, archeological sites, and other natural resource characteristics that contribute to the environmental quality of the County.

(2) *Permitted uses.*

(a) Hiking, fishing, trapping, hunting, swimming and boating.

(b) Propagation and raising of game animals, fowl and fish.

(c) The practice of silviculture, including the planting, thinning and harvesting of timber.

(d) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(e) Pasturing/grazing of livestock, limited to one (1) animal unit per each full acre.

(f) Undeveloped natural resource and open space area.

(g) Uses permitted within a shoreland – or inland – wetland district under ss. 11.07 and 11.08, Dane County Code. Pasturing of livestock is subject to the animal unit limitation in sub. (e), above.

(h) Soil conservation, shoreland, wetland and ecological restoration practices with either an approved shoreland zoning permit under s. 11.04(3)(c), or an approved shoreland mitigation permit under s. 11.04(5)(a).

(i) Nonresidential buildings or structures accessory to any permitted use, provided any such building or structure is not located in a shoreland-wetland, or inland-wetland district.

(3) *Conditional uses in the CO-1 Conservancy District.*

(a) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas.

(b) Communication towers.

(c) Soil conservation, shoreland, wetland and ecological restoration practices, other than those listed as permitted uses above.

(d) The construction and maintenance of roads, railroads or utilities, provided that:

1. The facilities cannot as a practical matter be located outside the CO-1 district; and

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

[**History**: (1)(g) and (2) am., OA 57, 1996-97, pub. 09/02/97; 10.155 (1) – (3) am., OA 17, 2013-14, pub. 12/17/13.]

10.157 HD HISTORIC OVERLAY DISTRICT.

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

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

(3) *Indication.* Sites and structures which are designated shall be indicated by attaching the suffix "HD" to the zoning district in which the site or structure is located.

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

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

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

(c) Notwithstanding any language herein to the contrary, replacement private sewage systems, as defined in s. 46.03(14), and existing roads, including repairs thereto, may be located in clear areas.

(d) Where the designation of a particular parcel of land as an historic site under this ordinance results in a property owner being deprived of all, or substantially all, of the beneficial use of the property, compensation shall be paid as provided for by law.

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

[**History**: 10.157 cr., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; am., Sub. 2 to OA 19, 1994-95, pub. 02/23/95.]

10.158 TDR-S TRANSFER OF DEVELOPMENT RIGHTS SENDING AREA OVERLAY DISTRICT. This district is in effect in those towns which voluntarily make the election under sub. (2)(b) below.

(1) *Statement of purpose.* The purposes of the TDR-S overlay district are to:

(a) *Support Transfer of Development Rights, as follows:*

1. establish a county-wide framework which allows a participating municipality to transfer development rights within or outside its jurisdiction;

2. reduce spot development of rural land;

3. encourage efficient transportation planning by reducing truly scattered development;

4. encourage environmental preservation by enhancing open space;

5. preserve and enhance property rights;

6. provide support and input into the agricultural community by encouraging the preservation of large intact agricultural areas in some locations and individual farms in other areas;

7. direct development in rural areas away from areas planned for long-term agricultural use;

8. provide a potential for compensation for individuals who do not want to develop their property or who live in communities which wish to restrict development;

9. help Dane County and participating communities achieve the goals and objectives contained in adopted plans;

10. facilitate purchase of development rights programs to protect high-priority natural or agricultural resources; and

11. allow for towns, villages and cities to serve as a clearinghouse for development rights in accordance with adopted land use and comprehensive plans.

(b) *Protect property rights.* Nothing in this section is intended to restrict, curtail or abridge the rights of property owners to use their property as currently permitted under ordinance, to petition the county board to rezone property or to apply for conditional use permits under ss. 59.69, 91.46 or 91.48, Wis. Stats., or s. 10.255 of this ordinance. A development proposal which is consistent with adopted plans is not objectionable on the grounds that it is not being undertaken with transferred development rights.

(2) *Areas affected.* **(a)** *Lands to be included within the TDR-S Transfer of Development Rights Sending Area Overlay District.* This district is generally intended to apply to lands identified in adopted town and county comprehensive plans as suitable for:

1. long-term or permanent agricultural, conservation or natural resource use;

2. limited or no non-farm development; and

3. sending areas for a transfer or purchase of development rights program.

(b) *Applicability.*

1. This section shall apply only to those towns that have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district.

2. This section shall apply only within the A-1 (Exclusive Agriculture) or CO-1 zoning districts.

(3) *Permitted uses.* **(a)** All permitted uses in the underlying zoning district.

(b) Transfer of development rights consistent with, and at a ratio determined by, an adopted town and county comprehensive plan. Any transferred development rights must be accompanied by a recorded TDR agricultural

conservation easement placed on the sending property. The recorded easement must include a legal description of the sending property in accordance with adopted town and county comprehensive plan guidelines, must detail the number of rights transferred or sold, and must describe any receiving property or properties. TDR agricultural conservation easements must list, at a minimum, the county and the town as parties with enforcement rights and must require, at a minimum, the county, the town and the landowner to agree to any amendment of the agricultural conservation easement in writing and after at least one public hearing held by the zoning committee. All such amendments shall be recorded. No third parties with enforcement rights may be added without approval of the Town and the County.

(4) *Conditional uses in the TDR-S Transfer of Development Rights Sending Area Overlay District.* All conditional uses in the underlying zoning district.

(5) *Area regulations.* All lots in the TDR-S overlay district must meet the minimum lot size of the underlying zoning district or meet the requirements for a non-conforming lot of record under s. 10.16(3)(a) of this ordinance.

[HISTORY: 10.158 cr., OA 45, 2009-10, pub. 03/22/10.]

10.159 TDR-R TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA OVERLAY DISTRICT. This district is in effect in those towns which voluntarily make the election under sub. (2)(b) below.

(1) *Statement of purpose.* **(a)** The purposes of the TDR-R overlay district are to:

1. establish a county-wide framework which allows a participating municipality to transfer development rights within or outside its jurisdiction;

2. encourage the clustering of rural development;

3. encourage the efficient provision of services by clustering residential units;

4. encourage efficient transportation planning by encouraging compact development;

5. support planning of development in areas which have less impact on key sources;

6. preserve and enhance property rights;

7. encourage rural housing that is adequate and affordable for persons from a range of incomes;

8. facilitate development in rural areas of towns already experiencing or seeking development;

9. encourage the efficient use of land that has no history of, or is no longer suitable for, agriculture; and

10. help Dane County and participating communities achieve the goals and objectives contained in adopted plans.

(2) *Areas affected.*

(a) *Lands to be included within the TDR-R Transfer of Development Rights Receiving Area Overlay District.* This district is generally intended to apply to lands identified in adopted town and county comprehensive plans as suitable for:

1. residential development at a density exceeding one dwelling unit per 35 acres; and

2. receiving areas for a transfer of development rights program.

(b) *Applicability.*

1. This section shall apply only to those towns that have filed a resolution with the county clerk indicating the election of the town to come under provisions of this district.

2. This section shall apply only within the A-1, A-2, A-2(1), A-2(2), A-2(4), A-2(8), R-1, R-1A, R-2, R-3, R-3A, R-4, RH-1, RH-2, RH-3 or RH-4 zoning districts.

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

(3) *Permitted uses.* All permitted uses in the underlying zoning district, provided all of the following criteria are met:

(a) Each new dwelling unit is accompanied by transferred development rights from a parcel or parcels in the TDR-S overlay district consistent with, and at a ratio determined by, an adopted town and county comprehensive plan.

(b) All transferred development rights in (a) above are from TDR-S overlay districts within the same town as the proposed dwelling unit, unless inter-town transfers are expressly authorized in adopted town and county comprehensive plans for both the sending and receiving towns.

(c) The landowner records a notice document for each new dwelling unit that details the number of development rights transferred, describes the sending property or properties, and references the recorded document number of the TDR agricultural conservation easement required under s. 10.158(3)(b).

(d) Copies of any recorded notices and copies of recorded TDR agricultural conservation easements on the sending parcel or parcels in the TDR-S district, must be provided to the zoning administrator before zoning permits will be issued.

(4) *Conditional uses.* All conditional uses in the underlying zoning district, provided all of the following criteria are met:

(a) Any application for a conditional use permit in the TDR-R overlay district that would increase the number of permanent dwelling units, except for those uses listed in paragraph (b) below, is accompanied by transferred development rights from a parcel or parcels in the TDR-S overlay district consistent with, and at a ratio determined by, an adopted town and county comprehensive plan.

(b) *Exceptions.* The following conditional uses are not considered an increase in the number of permanent dwelling units and do not require a transferred development right:

1. community living arrangements, as defined in s. 10.01(16);

2. dependency living arrangements, as defined in s. 10.01(19a);

3. extended care facilities, as defined in s. 10.01(22); and

4. nursing homes, as defined in s. 10.01(42).

(c) All transferred development rights in (a) above are from TDR-S overlay districts within the same town as the proposed dwelling unit, unless inter-community transfers are expressly authorized in adopted town and county comprehensive plans for both sending and receiving areas.

(d) The landowner records a notice document that details the number of development rights transferred, describes the sending property or properties and references the recorded document number of the restrictive covenant required under s. 10.158(3)(b).

(e) Copies of any recorded notices, and copies of recorded TDR agricultural conservation easements on the sending parcel or parcels in the TDR-S district, must be provided to the zoning administrator before zoning permits will be issued.

[HISTORY: 10.159 cr., OA 45, 2009-10, pub. 03/22/10.]

10.16 GENERAL PROVISIONS AND EXCEPTIONS. (1) *Use.* **(a)** Any use not listed as a permitted use in a district is prohibited in that district and except as otherwise expressly provided, any use listed as a permitted use in any other district shall be construed as a prohibited use in any other district.

(b) The following uses shall be permitted in the districts specified when these uses do not alter the character of the premises in respect to their use for the purposes permitted in that district:

1. In any district, real estate offices and signs advertising property for sale for a period not to exceed one (1) year.

2. In any district, temporary buildings and the temporary storage of materials and equipment incidental to the construction of buildings on the premises, for a period not to exceed one (1) year.

(c) In the agriculture districts: The production of fuel, using products or byproducts from a farm operation on the premises, is a permitted use incidental to the farm operation. Surplus fuel not needed for the farm operation may be sold as any other farm commodity.

(d) Airports that are listed as "Personal by Owner Only" on an application to the Wisconsin Department of Transportation, Bureau of Aeronautics, for airport site approval are permitted to locate in the Agriculture and Rural Homes Districts, subject to the following limitations:

1. Such airports in the A-1 (exclusive) and A-4 districts must also meet the definition of an agricultural accessory use under s. 10.01(2b).

2. Such airports in the A-B district must meet either:

a. the definition of an agricultural accessory use under s. 10.01(2b) or

b. the definition of an agriculture-related use under s. 10.01(2c).

3. All other airports are subject to the provisions of either ss. 10.12(2)(f) or 10.126(2)(e) of this ordinance.

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

(3) *Area, frontage and population density.* **(a)** Any lot or parcel shown on a recorded

subdivision, plat or assessor's plat, or conveyance recorded in the office of the Register of Deeds for Dane County prior to the adoption of this ordinance, may be used as a building site, or for any use permitted in the zoning district in which the lot is located even though such lot or parcel does not conform to the minimum frontage or area requirements of the district in which it is located; provided, however, that no multiple family dwelling or residential unit in combination with some other use shall be erected, altered or converted in use on lots having a width of less than 50 feet.

(b) Two (2) or more lots or parcels of land in common ownership, each of which lacks adequate area or dimensions prescribed for the zoning districts in which they are located, may be used as one zoning lot if all of the following conditions are met:

1. The landowner submits to the department of planning and development a site plan of the properties to be combined, in a format and level of detail approved by the zoning administrator;

2. Prior to the combination of lots, the landowner obtains all necessary local, county, state or federal permits related to any construction or earthmoving proposed on the combined lots, including, but not limited to, the following:

a. Filling and grading permits under s. 11.05;

b. Erosion control permits, plans or simplified plan checklists under ch. 14;

c. Sanitary permits under ch. 46;

d. Rezoning of so much of the lots as are classified as wetlands, if required under s. 11.10;

e. Floodway and floodfringe determinations under s. 17.44; and

f. Wetland fill permits from the U.S. Army Corps of Engineers and Clean Water Act certification from the Wisconsin Department of Natural Resources.

3. The landowner creates and executes a restrictive covenant which expressly states that the subject lands are combined into a single parcel for all purposes including, but not limited to, meeting zoning requirements. The restrictive covenant shall:

a. Be in a form approved by the zoning administrator;

b. Expressly provide that the subject lands are combined into a single parcel which may not thereafter be divided without the express written consent of both the County of Dane and the town(s) in which the subject lands are located;

c. Grant joint and several rights of enforcement to the County of Dane and to the town(s) in which the subject lands are located;

d. Recite that the restrictive covenant and its various provisions are binding on the owner's successors and assigns in perpetuity and that the covenant and its provisions otherwise run with the land;

e. Provide that the restrictive covenant or any of its provisions may not be amended, modified or repealed without the express written consent of both the County of Dane and the town(s) in which the subject lands are located; and

f. Be recorded in the office of the register of deeds.

4. At the time the restrictive covenant is recorded, all lots must:

a. Be in common ownership;

b. Appear in a subdivision plat or certified survey map recorded in the office of the register of deeds prior to May 21, 1970;

c. Be in the same zoning district; and

d. Be either contiguous or on opposite sides of a public or private road or right of way, provided that in the case of two or more lots separated by a road or right of way, the distance between the side lot lines of each possible combination of two lots, as measured in a direction parallel to the right of way, does not exceed two hundred feet;

5. Residential accessory buildings are permitted on vacant portions of combined lots, provided that all other conditions of s. 10.04(1)(b) are met.

6. On contiguous lots, all setback, lot coverage, yard and percentage of occupancy provisions shall apply as if the combined lots were a single lot.

7. Lots separated by a public or private road or right of way may be combined for the purposes of placing or erecting a residential accessory building only. On lots so separated, all setback, lot coverage, yard and percentage of occupancy provisions shall apply to each individual lot as if the lots were not combined.

8. Principal buildings or uses shall not exist on more than one of the lots to be combined.

9. After buildings have been erected on combined lots, the area, width or length of the combined lots shall not be reduced, except in conformity with the provisions of this ordinance and applicable provisions of other chapters of the Dane County Code of Ordinances.

(4) *Setback, front yard.* **(a)** In districts in which retail fuel sales are permitted, pumps,

pump islands and related canopies, including canopy supports, may be located within the setback area, but not closer than 20 feet to the boundary line, provided that in any such district in an urban area, pumps, pump islands, and related canopies, including canopy supports, may be located within the setback area but the pumps, pump islands and canopy supports may not be located closer than 12 feet to the boundary line, and no part of the canopy may be located closer than 3 feet to the boundary line. The total height of any overhead canopy shall not exceed 20 feet as measured to the highest point of the structure and shall be located a minimum of 8 feet above grade. As used in this paragraph (a), *boundary line* means the more restrictive of either the lot line or the highway right-of-way line.

(b) In case of interior lots having frontage on two (2) side streets, no accessory building shall extend into the setback area of either street.

(c) When the side line of an interior lot is formed wholly or in part by the rear line of an abutting corner lot and the street side yard for the main building is less than the setback from the main building facing such street, the setback for the building on such interior lot may be modified so as to be midway between the side yard for the building on the corner lot and the setback from such street.

(d) In platted subdivisions recorded before the adoption of this ordinance 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.

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

1. Height shall not exceed 5 feet above ground 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.

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

(g) On lake front lots, accessory buildings may be located in front yards subject to the locational requirements of s. 10.16(6)(a)1. provided, however, that the setback requirements are met.

(5) *Side yards.* **(a)** Lots of nonconforming width.

1. On lots 50 feet or more in width but less that 60 feet, the minimum aggregate side yards shall be 15 feet and no single side yard shall be less than five (5) feet.

2. On lots less than 50 feet in width the minimum side yard on each side shall be five (5) feet.

(b) Corner lots.

1. When the long side of a corner lot is formed by a class A, B or C 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 class D or E highway, 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.

(6) *Rear yards.* **(a)** Location of accessory buildings in rear yards.

1. On interior lots 60 feet or more in width no accessory building shall be erected, moved or added to so as to be nearer than four (4) feet to the side lot or rear lot line; provided, however, if the front building line of any accessory building is located closer than 10 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

2. 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 10 feet from the rear building line of a residence, the same side and rear yards as required for a principal or residential building shall be maintained.

3. On interior lots abutting on two (2) streets, or corner lots abutting on three (3) streets, no accessory building shall be erected, moved or added to so as to be nearer the rear street than the setback for that street. This provision shall not apply to alleys.

4. On corner lots abutting on two (2) streets, no accessory building shall be erected, moved or added to so as to be nearer to the side street than the distance required for the main building on that street; provided, however, that for garages with entrances facing the side street, the minimum distance from such side street shall be 20 feet. When the rear lot line of the corner lot forms the side line of an adjoining or abutting lot, no accessory building shall be erected, moved or added to so as to be nearer such rear lot line than the side line required for the building on the adjoining lot.

(b) Permitted obstructions in a required rear yard.

1. Steps or stoops to provide access to a building that is not more than three (3) feet above ground level and which do not extend more than four (4) feet into a required rear yard.

2. One story bay windows projecting three (3) feet or less into the yard provided that such windows do not occupy, in the aggregate, more than one-third (1/3) of the rear wall of the building.

3. Uncovered decks and porches that are supported by piers or posts may extend into any required rear yard by not more than twelve (12) feet.

4. Uncovered swimming pools both above and below ground provided that they be located not closer than 10 feet from any lot line.

5. Free standing solar collectors provided that they be located not closer than 3 feet from any lot line and not exceeding 12 feet in height.

(6a) *Provisions applicable to all required setbacks and yards.* **(a)** No existing building, erected prior to the adoption of this ordinance, which projects into a required setback or yard shall be moved, structurally altered or added to so as to increase that part of the building projecting into the required setback or yard, except as otherwise provided in s. 10.16. This provision shall not be construed to prohibit additions or alterations which conform to the setback or yard requirements.

(b) 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.

(7) *Screening.* Screening shall consist of either a planted evergreen screen at least six (6) feet in width and initially landscaped with four (4) foot tall evergreen shrubs to ultimately form a continuous hedge not less than five (5) feet in height and maintained with healthy shrubs, or a decorative wall or fence without signs and impervious to sight not less than six (6) feet nor more than eight (8) feet in height shall be maintained along the interior boundaries of any lot in the B-1, C-1, C-2, LC-1, LC-2 or M-1 districts that are adjacent to land in the residence district to a point 15 feet from the street right-of-way.

(8) *Snowmobile and off-road vehicle operations.*

(a) The operation of snowmobiles is permitted in any district provided the operation is confined to those areas which are marked as part of the county-wide snowmobile trail system.

(b) Off-trail use of snowmobiles, motorcycles and ATVs is permitted in the agriculture districts with the consent of the affected landowner.

(9) *Race events.* **(a)** Notwithstanding any other provision of this chapter, the zoning administrator is authorized to issue permits allowing snowmobile, ATV and motorcycle races and rallies in any agriculture district, provided that no permit shall be issued for a race or rally which is conducted by a commercial enterprise. Club-sponsored events are eligible for permits under this section.

1. Race events in the A-1 (exclusive), A-4 or A-B districts must also meet all requirements for agricultural entertainment activities under s. 10.123(2)(d).

(b) Only one permit may be issued in any one calendar year and then only for an event to be conducted on consecutive days which shall not total more than 3.

(c) Application for the permit shall be made not less than 20 days prior to the scheduled event. The application shall contain a description of the course or track, its location, the landowner's name and address, the name of the sponsor and if an organization, its authorized representative and such other information as the zoning administrator may require. The zoning administrator shall notify the affected town clerk(s) of any application under this subsection. The town clerk(s) may in turn communicate any

concerns of the town to the zoning administrator who shall take such concerns into account in imposing conditions on the permit.

(d) In deciding upon conditions to be imposed on a permit, if any, the zoning administrator shall take into account the public interest and welfare, together with the character of the neighborhood and any concerns expressed by the affected town(s). The permit shall be issued unless the zoning administrator determines that the event will cause an unreasonable disturbance to adjoining landowners or place an undue burden on local officials or law enforcement personnel.

(e) There shall be no fee for a permit under this subsection.

(f) The applicant may appeal denial of a permit to the committee which may affirm, reverse or modify, with conditions, the decision of the zoning administrator.

(10) This ordinance shall not be construed to regulate site approval for any particular structure, and towns are free to impose site approval requirements which are reasonably related to building permits, driveway permits and other lawful town land regulations.

[**History**: (1)(c)6. am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (4)(f) am. and (fm) and (fn) cr., Sub. 2 to OA 32, 1991-92, pub. 04/22/92; (8) and (9) cr., Sub. 2 to OA 19, 1995-96, eff. 02/25/96; (4)(a) am., OA 22, 1995-96, eff. 03/18/96; (2) am., OA 57, 1996-97, pub. 09/02/97; (10) cr., OA 4, 1997-98, pub. 12/16/97; (1)(c) and (d), renum. as s. 10.18(8) and (9), and (1)(e) and (f) relet. as (1)(c) and (d), OA 39, 1997-98, pub. 08/17/98; (4)(e) and (f) rep., (4)(fm) re-lettered as (4)(e) and as re-lettered, am., (4)(fn) re-lettered as (4)(f), and (6a) am., OA 9, 1998-99, pub. 02/02/99; (3)(b) am., OA 10, 1999-2000, pub. 04/20/00; (1)(d), (8)(b) and (9)(a) am., (2)(g) rep. & recr. as 10.255(2)(g), OA 3, 2000-01, pub. 10/19/00; (4)(a) am., OA 25, 2000-01, pub. 05/15/01; (1)(d) and (9)(a) am., 2015 OA-16, pub. 12/04/15.]

10.17 SETBACK REGULATIONS. For the purpose of determining the distance buildings and other structures shall be setback from streets and highways, the streets and highways in Dane County are divided into the following classes:

(1) *Class A highways.* **(a)** All state and federal highways are hereby classified class A highways.

(b) The setback line for a class A highway shall be 100 feet from the centerline of the highway right-of-way or 42 feet from the right-of-way line, whichever is greater.

(c) Service roads to class A highways a distance of 100 feet from the centerline of said highways shall be considered class C, D or E highways for the purpose of determining the setback along said service roads.

(2) *Class B highways.* **(a)** All county trunks except as otherwise provided, are hereby designated class B highways. For the purpose of this ordinance any road will be considered as a county trunk after it has been placed on the county trunk system by the county board and approved by the state highway commission.

(b) The setback from class B highways shall be 75 feet from the centerline of any highway right-of-way or 42 feet from the right-of-way, whichever is greater.

(3) *Class C highways.* **(a)** All town roads not included within the boundaries of a recorded subdivision or plat are hereby designated class C highways.

(b) The setback from class C highways shall be 63 feet from the centerline of such highway right-of-way or 30 feet from the right-of-way line, whichever is greater; provided, however, that in the case of a service road, contiguous to the right-of-way of a main highway, where buildings can be built on only one (1) side of such service road, the minimum setback shall be 30 feet, regardless of the width of such service road, and provided, further, that if such service road shall be a street in a platted subdivision, then the setback provisions governing such platted street shall apply.

(4) *Class D highways.* **(a)** Roads and streets in subdivisions platted prior to the adoption of this ordinance, except those designated class A or class B highways, are hereby designated as class D highways.

(b) For all class D highways setback lines are hereby established, parallel to and distant 20 feet from the right-of-way line or front lot line.

(5) *Class E highways.* **(a)** All streets, highways and roads not otherwise classified are hereby designated class E highways.

(b) For all class E highways setback lines are hereby established, parallel to and distant 30 feet from the right-of-way or front lot line.

10.18 OFF-STREET PARKING AND LOADING.

(1) *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.

(2) *Applicability.* In all districts, in connection with all uses, at the time any new structure is erected, any use of a structure or land is enlarged or increased in intensity, or any other

use or change of use is established, off-street parking, loading and circulation areas shall be provided and located in accordance with the requirements of this section. Off-street parking areas in existence as of the effective date of this ordinance shall not hereafter be reduced below or further below the requirements for a similar new building or use.

(3) *General provisions.* **(a)** A scaled and dimensioned parking, loading and circulation plan shall be included within a development plan submitted to and approved by the zoning administrator prior to issuance of a zoning permit for construction or expansion of any use. When a use requires a conditional use permit, such plan shall be submitted with the application for the conditional use.

(b) No areas designated for parking, loading or circulation may be used for any other purposes. Required parking spaces shall be used solely for the parking of licensed automobiles of occupants, patrons and employees and licensed service vehicles.

(c) All parking spaces required to serve buildings erected or uses established shall be located on the same zoning lot as the building or use served, except that parking may be located off-site on another zoning lot provided all of the following criteria are satisfied:

1. Off-site parking shall be located only in the C-1, C-2, M-1 and EXP-1 districts.

2. The zoning lots including the principal use and off-site parking shall be located no farther than 500 feet from one another;

3. Adequate pedestrian connection and directional signage between the sites exists or shall be provided;

4. The continued availability of such off-site parking areas, necessary to meet the requirements of this section, shall be ensured by an agreement among all involved property owners describing the rights and limitations of all property owners and businesses. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the zoning administrator before being recorded with the register of deeds.

5. Off-site parking areas shall be subject to the same design standards as on-site parking areas.

(d) The parking or storage of motor vehicles provided for in section 10.18(8) shall not occur within parking spaces otherwise required by this section.

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

(b) *Surfacing.* Within urban service areas, except for single family residences, duplexes and mobile 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 mobile 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.

(c) *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 section 10.18(5). All spaces on hard-surfaced lots shall be striped.

(d) *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.

(e) *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.

(f) *Drainage.* Suitable grading and drainage shall be provided to collect and transmit stormwater to appropriate retention or detention basins, drainageways, ditches or storm sewers.

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

(h) *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.

(i) *Screening and landscaping.* Screening shall be provided in accordance with specifications in section 10.16(7) where parking, loading or internal circulation areas adjoin residence districts. 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.

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

(a) Airport; auction house; conference, convention or exhibition center; salvage recycling center: Spaces in adequate number to serve the public and employees.

(b) Auto sales: One space per 1,000 square feet of occupiable floor area and outdoor display area.

(c) Bank, office: One space per 300 square feet of occupiable floor area.

(d) Bed and breakfast, boarding or rooming house, community living arrangement, hotel and motel: One space per lodging room and two spaces for owner/manager, plus 50 percent of the requirement for any other associated use. For community living arrangements, parking spaces need not be provided for residents who do not have drivers licenses.

(e) Bowling center: Four parking spaces per alley, plus the requirement for any other associated use. Measurements for any associated use shall not include any area to the alley side of bowling scorers' tables, unless there are other areas for public access behind the alleys.

(f) Carpet store, furniture store: One space per 800 square feet of occupiable floor area.

(g) Church, theater: One space per 6 seats.

(h) Day care: One space per 6 children.

(i) Contractor business, fire or police station, mineral extraction operation: One space per 1.3 employees on the largest shift plus one space per service vehicle.

(j) Funeral home: One space per 100 square feet of occupiable floor area.

(k) Golf course: Four spaces per golf hole, plus 50 percent of the requirement for any other associated use.

(L) Golf driving range, miniature golf: One space per tee area or miniature golf hole.

(m) Kennel, stable: One space per 1,000 square feet of gross floor area or yard area devoted to the use, not including outdoor training or riding areas.

(n) Manufacturing, research and development facility: One space per 1.3 employees working on the largest shift.

(o) Medical, dental or veterinary clinic: Four spaces per examination or treatment room.

(p) Mini-warehouse: One space per storage unit, which may be located immediately in front of each unit.

(q) Nursing home: One space per 4 beds.

(r) Nursery, greenhouse: One space per 1,000 square feet of occupiable floor area within a building or greenhouse, plus one space per 2,000 square feet of outdoor area devoted to retail sales.

(s) Outdoor recreation facilities: 4 spaces per horseshoe pit; 10 spaces per volleyball court; 20 spaces per baseball, softball, football or soccer field; plus the requirement for any other associated use adjacent to such recreational facility.

(t) Residential:
1. Multifamily--efficiency, one bedroom, two bedrooms; mobile home: 1½ spaces per dwelling unit.
2. Multifamily--three or more bedrooms; single family; duplex: 2 spaces per dwelling unit.
(u) Restaurant, tavern, club or lodge: One space per 75 square feet of indoor occupiable floor area, plus one space per 100 square feet of outdoor eating/drinking area, not including any area occupied by an outdoor recreation facility.
(v) Retail or service use not listed elsewhere: One space per 300 square feet of occupiable floor area, plus one space per 2,000 square feet of outdoor area devoted to retail sales or service.
(w) School: Two spaces per classroom for elementary or middle school, four spaces per classroom for high school, plus one space per four seats in an auditorium or gymnasium. Ten spaces per classroom for an adult educational or training facility.
(x) Service and repair of motor vehicles, gas station, car wash: Three spaces per service bay, one space per fuel nozzle (not including filling area), plus the requirement for any other associated use.
(y) Warehouse, wholesaling: One space per 2,000 square feet of gross floor area.
(6) *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:
(a) Technical documentation supplied by the applicant indicates, to the satisfaction of the zoning administrator, that actual parking demand for that particular development is less than the standard would suggest;
(b) Bicycle parking facilities will be provided through racks, lockers or equivalent structures located convenient to the proposed use;
(c) A public transportation route is located within 1,000 feet of the property;
(d) 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.
(7) *Reserve area.* In the event the number of required spaces is reduced as allowed by section 10.18(6), the zoning administrator may also require that sufficient area be held in reserve for potential future development of parking to meet the requirements under section 10.18(5). 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.
(8) *Parking and storage of trucks, buses and special vehicles.*
(a) In the residence and rural homes districts, and on any lot in the A-2 Agriculture District 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, provided that the gross vehicle weight shall not exceed 12,000 pounds.
(b) In the residence, rural homes, RE-1, Agriculture-Business, B-1 and C-1 districts, only motor vehicles that are accessory to a permitted and principal use on any lot may be stored or parked.
(c) Any automobile licensed as an antique or special interest vehicle under section 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.
(d) Farm trucks or trailers licensed under ss. 341.26(3) or 341.30, Wis. Stats., may be parked on lots in agriculture districts.
(e) Trucks with gross vehicle weight exceeding 12,000 pounds may be stored or parked only in the C-2, EXP-1 and M-1 districts, except that parking or storage of one truck and one road tractor and its trailer in excess of 12,000 pounds gross vehicle weight shall be permitted in the residence, rural homes and agricultural districts, subject to the following conditions:
1. The vehicle shall be owned and operated by a person residing on the premises.

2. In the residence districts, the lot area shall be not less than one acre.
3. The vehicle shall not be parked or stored within the required highway or road setback area.
4. The vehicle shall not be parked closer than 300 feet to another residence.
5. No new buildings shall be constructed to house the vehicle.
6. Before the vehicle may be parked or stored on the property, a certificate of compliance shall be issued by the zoning administrator.
(f) 1. 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.
2. 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.
(g) 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.
[**History**: (1)-(4) rep. and recr., (5), (6) and (7) cr., (8) and (9) renum. from s. 10.16(1)(c) and (d), and am., OA 39, 1997-98, pub. 08/17/98; (8)(e) am., OA 3, 2000-01, pub. 10/19/00; (8)(f) am., OA 11, 2002-03, pub. 11/19/02.]

[10.19 reserved.]

10.191 PROCEDURE AND STANDARDS OF OPERATION FOR MINERAL EXTRACTION OPERATIONS. (1) The purpose and intent of this section is to provide a centralized listing of the procedures and standards of operation for mineral extraction operations which may be permitted in several districts.
(2) The application for the conditional use permit necessary to conduct a mineral extraction operation shall include the following information:
(a) A legal description of the land for which the permit is requested.
1. 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.
2. The description must include the size of the CUP area in acres or square feet.
(b) 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.
(c) A written statement containing the following information:
1. General description of the operation.
2. Existing use of the land.
3. Existing natural features including approximate depth to groundwater.
4. The types and quantities of materials that would be extracted.
5. Proposed dates to begin extraction, end extraction and complete reclamation.
6. Proposed hours and days of operation.
7. Geologic composition and depth to the mineral deposit.
8. Identify all major proposed haul routes to the nearest Class A highway or truck route. Indicate traffic flow patterns.
9. Proposed phasing plan, if any (recommended for larger sites).
10. Types, quantities, and frequency of use of equipment to extract, process, and haul.
11. Whether and how frequently blasting, drilling, mining, crushing, screening, washing, refueling, fuel storage, asphalt batching or concrete mixing would be performed on site.
12. Whether excavation will occur below the water table and, if so, how ground water quality will be protected.
13. Any proposed temporary or permanent structures (e.g., scales, offices).
14. Any special measures that will be used for spill prevention and control, dust control, transportation, or environmental protection.
15. Proposed use after reclamation as consistent with Chapter 74.
(d) In addition to the submittal requirements enumerated in sec. 10.255(2)(e), applications for a mineral extraction conditional use permit shall include a Site/Operations Plan prepared by a qualified professional, drawn to a measurable scale large enough to show detail and at least 11" by 17" in size, showing the following information:
1. Boundaries of the permit area and of the extraction site.
2. Zoning district boundaries in the immediate area. Label all zoning districts on the subject property and on all neighboring properties.

3. Existing contour lines (not more than 10 foot intervals).
4. Existing natural features including lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, drainage patterns, and archaeological features.
5. Existing roads, driveways, and utilities. Show width of all driveway entrances onto public and private roadways.
6. All residences within 1,000 feet of the property.
7. Specific location of proposed extraction area, staging area, equipment storage.
8. Proposed location and surfacing of driveways.
9. Proposed phasing plan, if any (recommended for larger sites).
10. Proposed fencing of property, if any, and gating of driveways.
11. Proposed location of stockpiles.
12. Proposed location and type of screening berms and landscaping.
13. Proposed temporary and permanent structures, including scales and offices.
14. Proposed signage, if any.
(e) An erosion control plan, drawn to scale by a professional engineer, meeting all applicable state and county requirements.
(f) A reclamation plan prepared in accordance with the Wisconsin Administrative Code and the Dane County Non-metallic Mining Reclamation Ordinance.
(3) 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. 10.17.
(4) Topsoil from the area of operation shall be saved and stored on site for reclamation of the area.
(5) Reclamation of the area of operations is required as follows:
(a) Final slopes shall not be graded more than 3:1 except in a quarry operation.
(b) The area shall be covered with topsoil and seeded to prevent erosion.
(c) The area shall be cleared of all debris and left in a workmanlike condition subject to the approval of Dane County.
(6) Mineral extraction operations which existed prior to 1969 and were registered with and approved by the Dane County Zoning Administrator shall be considered nonconforming uses in accordance with s. 10.21.

[**History**: cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; Sub. 3 to OA 36, 1987-88 invalidated by court order; cr. OA 9, 1993-94, pub. 04/20/94.]

10.192 PROCEDURE AND STANDARDS OF OPERATION FOR LIMITED FAMILY BUSINESS. (1) The purpose and intent of this section is to provide a centralized listing of the procedures and standards of operation for limited family businesses which may be permitted in several districts.
(2) A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning while at the same time protecting the interests of adjacent property owners. Applicants for this conditional use permit should recognize that rezoning or relocation of the business may be necessary or may become necessary if the business is expanded.
(3) All employees, except one or one full-time equivalent, shall be a member of the family residing on the premises.
(4) Using applicable conditional use permit standards, the committee shall determine the percentage of the property that may be devoted to the business.
(5) The conditional use permit holder may be restricted to a service oriented business and thus prohibited from manufacturing or assembling products or selling products on the premises or any combination thereof.
(6) The conditional use permit may restrict the number and types of machinery and equipment the permit holder may be allowed to bring on the premises.
(7) Structures used in the business shall be considered to be residential accessory buildings and shall meet all requirements for such buildings. The design and size of the structures is subject to conditions set forth in the conditional use permit.
(8) The conditional use permit shall automatically expire on sale of the property or the business to an unrelated third party.
[**History**: cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; Sub. 3 to OA 36, 1987-88 invalidated by court order; cr. OA 9, 1993-94, pub. 04/20/94; (2) am., OA 39, 2011-12, pub. 07/23/12.]

10.193 STANDARDS FOR SITING OF ADULT BOOK STORE. (1) The County of Dane, relying upon the experience of other local governments in this state and throughout the country, finds that adult book stores have an adverse secondary effect on the surrounding

community and that regulations are necessary to minimize this secondary effect. The experience of other cities are summarized in the case of *Northend Cinema, Inc. v. Seattle*, 585 P. 2d 1153 (1978).

(2) This ordinance does not regulate the content of materials held for sale or rent in adult book stores.

(3) Adult book stores shall meet all of the following requirements:

(a) 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;

(b) Exterior windows shall not be covered or made opaque in any way;

(c) No material referenced in paragraphs (a), (b) or (c) of s. 10.01(2m) shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window;

(d) 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;

(e) 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

(f) 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.

(4) Sub. (3)(e) shall not be construed to require a sign or to require any designation of the business as an adult book store, whether or not a sign is erected.

[**History**: 10.193 cr., OA 16, 1993-94, pub. 12/27/93; (3)(d) am., OA 16, 1996-97, pub. 01/16/97; (3) am., OA 3, 1998-99, pub. 09/24/98.]

10.194 PROCEDURE AND STANDARDS FOR THE PLACEMENT, CONSTRUCTION OR MODIFICATION OF COMMUNICATION TOWERS. This section provides the procedures and standards for issuance of conditional use permits for the placement, construction or modification of communication towers as defined in section 10.01(78m).

(1) It is intended that conditional use permits shall be issued under this section to accommodate the expansion of wireless communication technology while minimizing the number of tower sites through the requirement that permitted towers be placed or constructed so that they may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible.

(2) No conditional use permit for the placement or construction of a tower shall be issued unless the applicant presents to the committee credible evidence establishing to a reasonable degree of certainty the following:

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

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

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

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

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

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

(3) The cost of eliminating impediments to collocation shall be deemed reasonable if it does not exceed by 25 percent the cost of constructing a new tower on which to mount applicant's equipment.

(4) In the event the committee determines that it is necessary to consult with a third party in considering the factors listed in subsection (2) above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for denial or

revocation of a conditional use permit. The applicant may provide to the committee the names of consultants which the applicant believes are qualified to assist in resolving the issues before the committee.

(5) In applying the standards and criteria set forth in section 10.255(2), D. C. Ords., to applications for conditional use permits for the placement or construction of a communication tower the committee shall, unless it is shown to be unreasonable, condition the grant of the permit upon the applicant placing or constructing the communication tower so as to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of collocation sites. Notwithstanding the height and number of collocation sites on the tower as initially placed or constructed, the communication tower design approved and permitted under this ordinance shall be for a tower of 150 feet in height and shall include the required collocation sites. The holder of a permit under this section shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.

(6) Unless otherwise provided herein, a conditional use permit is required for any modification of a communication tower which significantly alters the appearance or structural integrity of the tower or which involves the installation of antenna or equipment differing in size and function from that previously installed on the tower. The committee shall apply the standards under section 10.255(2), D. C. Ords., when considering an application for a conditional use permit to allow the modification of an existing communication tower. In addition, the committee shall consider the reasonableness, based on economic and technological feasibility, of conditioning the grant of the conditional use permit upon modifying the tower in a manner which would accommodate the collocation of one or more additional antenna arrays.

(7) Upon written inquiry by the committee the recipient of a conditional use permit under this section shall have the burden of presenting credible evidence establishing to a reasonable certainty the continued compliance with all conditions placed upon the conditional use permit. Failure to establish compliance with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. In the event the committee determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of the subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the committee shall be grounds for revocation of the conditional use permit. The holder of the subject conditional use permit may provide to the committee the names of consultants which the permit holder believes are qualified to assist in resolving the issues before the committee. In any event, where a dispute arises under this ordinance involving an applicant for a conditional use permit and the holder of a conditional use permit hereunder, the committee may allocate consulting costs and expenses between the applicant and permit holder.

(8) A conditional use permit shall not be required for collocation on an existing tower permitted under this section, provided the collocated antenna array or equipment is similar in size and function to that installed by the holder of the conditional use permit for the tower, does not significantly alter the appearance or structural integrity of the tower approved and permitted under this section, and is fully in compliance with all conditions contained in the original conditional use permit. The holder of the conditional use permit for any tower on which collocation occurs shall within 30 days of such collocation provide the committee with written notification of the identity of the collocator and the nature of the equipment installed. Within 30 days of the date on which any collocated use ceases, the permit holder shall provide the committee with written notice of the cessation of such use.

(9) The holder of a conditional use permit for a tower and any user collocating under this ordinance shall each be permitted to construct a building of no more than 14 feet in height and 314 square feet in floor area for use directly incidental and necessary to the use of the tower. Two or more users of the tower may build a single building with a floor area of no more than 314 square feet per user sharing the building. Buildings constructed or used by tower

collocators shall be subject to conditions established for the conditional use permit for the tower.

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

(11) The committee may require that an applicant for a conditional use permit under this section provide information regarding the applicant's then current plans for future placement or construction of communication towers in Dane County in addition to the tower which is the subject of the application.

[**History**: cr., OA 57, 1996-97, pub. 09/02/97.]

10.195 STANDARDS FOR KEEPING DOMESTIC FOWL IN SINGLE FAMLY RESIDENTIAL YARDS.

(1) *Purpose.* The purpose and intent of this section is to provide a listing of standards that shall apply to the keeping of domestic fowl in the yards of single family residences. The standards are designed to ensure that the keeping of fowl is done in a responsible manner that protects the public health, safety, and welfare and avoids conflicts with neighboring uses.

(2) *Use.* The keeping of 6 domestic fowl in the yards of single family residences located in any zoning district shall be a permitted use, if such use complies with the following:

(a) Domestic fowl shall not be slaughtered.

(b) Domestic fowl must have access to a covered enclosure.

(c) Domestic fowl shall not be allowed to roam free and must be kept in a covered enclosure or fenced enclosure at all times.

(d) 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.

(3) *Permits for covered enclosures.* Notwithstanding the exemption set forth in section 10.04(1)(b)9.a., zoning permits shall be required prior to the erection, placement or construction of covered enclosures.

(4) *Location of covered and fenced enclosures.*

1. Covered and fenced enclosures shall be within the rear or side yard.

2. Covered and fenced enclosures shall not be closer than 25 feet to any residential structure on an adjacent lot.

3. Covered and fenced enclosures shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream.

(5) *Violations.* Any violation of these standards shall be subject to the penalties set forth in section 10.25(5).

(6) *Effective date.* This section shall become effective as of January 1, 2013.

[**History**: cr., OA 11, 2012-13, pub. 10/31/12.]

10.196 STANDARDS AND PROCEDURES FOR WIND ENERGY SYSTEMS.

(1) This section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in s. 66.0403(1)(m), Wis. Stats. The purpose of this section is to ensure any proposed wind energy system complies with applicable provisions of PSC 128, Wisconsin Administrative Code as amended, and this section.

(2) No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(c) Allows for an alternative system of comparable cost and efficiency.

(3) *Use.* Wind energy systems are a conditional use in any district. The County will apply Wis. Stats. s. 66.0401 and PSC Ch. 128 Wisconsin Administrative Code as amended, in the evaluation of such requests.

(4) *Procedures.* To the extent not inconsistent with state law, the procedures for consideration of conditional uses set forth in s. 10.255(2) shall be followed.

[**History**: cr., OA 42, 2012-13, pub. 05/14/13.]

10.20 SALVAGE RECYCLING CENTERS.

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

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

(b) 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.

(2) *Location and boundaries.* No salvage recycling center shall be located within two hundred (200) feet of the boundary of a residential district.

(3) *License.* **(a)** Before any premises may be used as a privately operated salvage recycling center, 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.

(b) *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 recycling center 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.

(c) Should any town elect to license salvage recycling centers by adoption of an ordinance pursuant to the provisions of section 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 suitable. When a salvage recycling center is licensed by the town, then the responsibility of controlling such salvage recycling center rests with the town.

[**History**: am., Sub. 2 to OA 11, 1991-92, pub. 12/18/91; (3)(c) am., OA 43, 1996-97, pub. 06/17/97.]

10.21 NONCONFORMING USES. (1)(a) The lawful use of a building or premises existing at the time of adoption of this ordinance may be continued as a nonconforming use, but if such nonconforming use shall be discontinued for a period of one (1) year, such nonconforming use will be deemed to have terminated and any future use shall be in conformity to the provisions of this ordinance except as otherwise provided by this ordinance.

(b) 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.

(c) Mineral extraction operations which existed prior to 1969 and were registered with and approved by the Dane County Zoning Administrator shall be considered nonconforming uses.

(d) Mineral extraction sites that were registered as nonconforming sites as provided by this ordinance shall not be considered abandoned or discontinued if the site is inactive for more than one year.

(e) The stockpiling and processing of asphalt and concrete pavements for the purpose of recycling for reuse in asphalt or concrete mixtures or as base course products shall be allowed as part of a nonconforming mineral extraction site.

(2) Any building lawfully erected prior to the adoption of this ordinance which does not conform to the requirements of this ordinance as to setback, side yards or rear yards, may be continued in use, but any future additions or structural alterations shall conform to the provisions of this ordinance.

(3) Any existing nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or to a conforming use; provided, however, that when a use has been changed to a conforming use or a

more restricted nonconforming use it may not again be changed to a less restricted use.

(4) No use which is not the principal use of the land on which it is located shall be considered a valid nonconforming use.

(5) Any nonconforming use, the location of which is changed to another part of the premises, shall be considered abandoned one (1) year after the locational change and, in any event, any nonconforming use at the new location shall be invalid.

[**History**: (1) am., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (1) am., OA 9, 1993-94, pub. 04/20/94; (3)(c) am., OA 43, 1996-97, pub. 06/17/97; (1)(e) cr., OA 16, 2002-03, pub. 03/04/03.]

10.22 INTERPRETATION AND APPLICATION. In interpreting and applying the provisions of this ordinance they shall be held to be minimum requirements for the promotion of health, safety, convenience, morals, comfort and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or similar agreements between parties, nor is it intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously issued or adopted, or which may be issued or adopted according to law relating to use, occupancy, location or height of the buildings or premises; provided, however, that when this ordinance imposes a greater restriction upon the use, occupancy, location or height of buildings or premises than imposed by such existing provisions of law or ordinance, or by such rules, regulations or permits, the provisions of this ordinance shall control.

10.23 COMPLETION, RESTORATION OR ENLARGEMENT OF EXISTING STRUCTURES.

(1) Nothing herein contained shall require any change in the plans, construction or intended use of a structure or premises for which plans have been prepared heretofore, and the construction of which shall have been diligently pursued within three (3) months after the effective date of this ordinance.

(2) Nothing herein contained shall prevent the alteration, restoration or repair of any legal structure occupied by a nonconforming use at the effective date of this ordinance; provided, however, that the cost of such alteration, restoration or repairs shall not during the life of the building exceed fifty (50) percent of the assessed valuation of such structure, such valuation being that in effect for the year in which such use became nonconforming. No structure used as a nonconforming use shall be added to or structurally altered so as to increase the facilities of such nonconforming use.

(3)(a) Nothing contained in this section shall prevent the restoration of a noncomforming 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.

(b) A structure to which sub. (a) 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.

(4) A structure is considered to be demolished and nonexistent if during the course of restoration, enlargement or other improvement, more than 50% of the pre-existing structure is removed or must be replaced to maintain structural integrity. Continuation of the construction or repair shall be subject to the entire structure being in compliance with current zoning regulations based on the parameters for entirely new construction and disregarding any nonconforming status. 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. Except for the provisions of sub. (3), this section shall supersede all other pertinent sections of this ordinance including nonconforming ("grandfathered") use or locational status.

[**History**: (4) cr., Sub. 1 to OA 31, 1991-92, pub. 04/22/92; (1)-(4) am, 2015 OA-16, pub. 12/04/15.]

10.24 CHANGES AND AMENDMENTS. The Dane County Board of Supervisors may from time to time alter, supplement or change by ordinance the boundaries or classification of districts designated in this ordinance, or any of the provisions of regulations imposed by this ordinance in the manner provided by the law.

10.25 ADMINISTRATION, ENFORCEMENT AND PENALTIES. (1) *Zoning administrator.*

(a) The provisions of this ordinance shall be administered by or under the zoning administrator, who in person or by duly authorized deputy or assistant shall have the

right to enter upon premises affected by this ordinance at reasonable hours for the purpose of inspection. The zoning administrator shall hold his or her office under civil service, and vacancies in such office shall be filled by procedures established by civil service ordinance. The county executive shall be the appointing authority for the position of zoning administrator.

(b) It shall be the duty of the zoning administrator to receive applications for zoning permits and such other permits and licenses provided in this ordinance, and to issue such permits after applications have been examined and approved; to inspect buildings under construction for compliance with the regulations of this ordinance; to make periodic inspections; to take such action as may be necessary for the enforcement of the regulations provided herein; to attend all meetings of the zoning committee and the board of adjustment; and to perform such other duties as the zoning committee and the board of adjustment may direct.

(2) *Zoning permits.* **(a)** No new building shall hereafter be erected, and no existing building shall be added to, structurally altered, moved or changed in use, nor shall any nonconforming building be repaired or restored, in any district, until a zoning permit has been issued, except as otherwise provided by law or ordinance.

(am) *Reasonable accommodations for handicapped persons.*

1. The zoning administrator may issue a zoning permit that waives specified requirements of this ordinance, if it is determined that the requested accommodation:

a. is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations;

b. is the minimum accommodation that will give the handicapped or disabled persons adequate relief; and

c. will not unreasonably undermine the basic purposes of this ordinance.

2. a. If the zoning administrator issues a zoning permit that waives specified zoning provisions pursuant to 1. above, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.

b. The permit will not become effective until the property owner records a deed restriction with the Register of Deeds setting forth the condition that the structure authorized by the permit shall be removed as required by 2.a.

3. If the zoning administrator denies a permit requesting an accommodation under this subsection, the denial may be appealed to the Board of Adjustment pursuant to s. 10.26.

(b) *[Rescinded OA 4, 2011-12]*

(c) An applicant for a zoning permit shall file a development plan as defined in s. 10.01(19n). If from the development plan submitted by the applicant or based upon information gathered by a zoning inspector, the zoning administrator cannot determine compliance with the provisions of county ordinances, the zoning administrator may require the filing of a development plan prepared by a licensed surveyor. The zoning administrator may also require evidence of compliance with the Dane County Sanitary Code, the Dane County Land Division and Subdivision Ordinance, Dane County Trunk Highway Access Control Regulations or any other state or township access or culvert permit requirements as a condition precedent to the issuance of a zoning permit. The zoning administrator shall not be responsible for determining the location of lot lines.

(d) Application for a permit must contain the following: name and address of the owner of the property, legal description, size and location of the building to be erected or moved on or onto the property, proposed use of the building or premises, type of construction, estimated cost and any other information as the zoning administrator may require.

(e) This application shall be signed by the owner or his or her duly authorized representative or agent; provided, however, that, if a prospective owner desires a prior ruling on a proposed construction or use before consummation of purchase, he or she may apply for a permit, and, if a permit be denied, he or she may appeal to the board of adjustment.

(f) Coincident with the issuing of a permit, the zoning administrator shall prepare a card certifying that a permit has been issued. This card shall bear the same number as the permit and identify the construction and premises covered by the permit. This card shall be posted in a conspicuous place on the premises during the construction, and no construction shall be begun until this card has been posted. For purposes of this ordinance, start of construction shall be when any earth disturbing activity takes place that will lead to the installation of footings, piers, posts, pilings or foundations. Earth

disturbing activity for the purpose of soil evaluation or testing shall not be considered the start of construction.

(g) Each day a non-permitted structure, building, addition, alteration or activity exists shall constitute a separate violation. A non-permitted structure, building, addition, alteration or activity is one which requires the issuance of a permit under this ordinance but which permit has not been issued by the zoning administrator.

(h) Any permit obtained through material misrepresentation shall be null and void.

(i) A permit issued pursuant to the provisions of this section shall expire one year from the date of issuance if construction is not started within that time and will expire if construction once started does not diligently proceed to completion within two years starting time.

(3) *Inspections of buildings to be made by the zoning administrator.* **(a) 1.** A location survey as defined herein shall be submitted to the zoning division for all construction which will be located less than ten (10) feet from required setback lines, except as exempted below. The survey shall be done at the time when foundations or basement walls are completed. Such survey shall be submitted to the zoning office prior to the continuation of work on the project.

2. For construction which is located 10' or more from the required setback lines, a location survey is not required. The property owner/s and contractor/s are responsible for determining location compliance.

3. Upon approval by the zoning administrator, a location survey is not required for non-permanent accessory buildings under 120 square feet in gross floor area not located on a foundation, concrete slab, pilings, or footings. It shall be the responsibility of the owner to demonstrate compliance with the setback requirements of this ordinance upon request.

(b) Upon completion of the project the owner/s or their agent shall notify the zoning division and request an inspection. This inspection must be made before a zoning certificate of compliance may be issued as provided by section 10.25(4) of this ordinance. The owner or his or her agent shall have all lot corners visibly staked prior to requesting an inspection. If the zoning administrator is unable to accurately verify the location of a building on its lot, he or she may post a stop work order where appropriate and require that a survey map be prepared by a registered land surveyor that will show the location of the building on its lot before allowing construction to continue.

(c) *Stop work order.* **1.** Whenever the zoning administrator finds that any construction does not comply with the provisions of this ordinance, the zoning administrator shall post, in a conspicuous place on the premises, a stop work order which shall cause all activity to cease until the construction is in compliance with the ordinance.

2. The card shall provide the following information: date of issuance, town and section number, reason for posting and the signature of the inspector posting the card.

3. It shall be a violation of the ordinance for the unauthorized removal of the card from the premises.

(4) *Certificate 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 land vacant, 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. The zoning administrator may establish rules by which a temporary certificate of compliance may be issued for a part of a building.

(e) 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. Said 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 amendment thereto. After certifying that the use of the building or land is in fact nonconforming the zoning administrator shall issue a certificate of compliance stating the use in question or the location of buildings and the zoning of the property.

For a certificate of compliance for new construction, additions, alterations or remodeling for which a Dane County Zoning Permit has been issued since August 20, 1970, there shall be no fee charged. For all other certificates of compliance, there shall be a fee of $5.00 for each certificate.

(5) *Penalties.* **(a)** Any person or persons, firm, company or corporation, owner, occupant or other user of the premises who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be subject to a forfeiture of not less than five dollars nor more than two hundred dollars and costs, except that violations of s. 10.157(4) shall be at the rate of not less than $1,000 nor more that $5,000 per violation. Each day that a violation is permitted to exist shall constitute a separate offense. Compliance herewith shall be enforced by injunctional order at suit of the county or occupant of real estate within the district affected by the regulations of this ordinance. It shall not be necessary to prosecute for forfeiture before resorting to injunctional proceedings.

(b) 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. 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.

(6) *Officially mapped areas.* **(a)** No zoning permit shall be issued under this chapter for any lands lying within any officially mapped area of Dane County unless the proper permit from the appropriate city or village shall have been first obtained.

(b) Every applicant for the issuance of any permit required under this chapter shall state in writing that he or she has made diligent inquiry of the applicability of any official map to the applicant's lands; that no such official map is applicable, or if such map is applicable, the approval of the appropriate city or village has been obtained; that the applicant understands the possible adverse consequences of erecting a structure within an officially mapped area without the proper approval of the city or village involved; and, that the applicant has not relied upon any statements of county employees in giving such written assurances.

(c) If an applicant seeks a zoning permit for lands located within an official mapped area, a zoning permit may be issued only after a permit from the appropriate city or village has been issued under section 62.23(6)(d) of the Wisconsin Statutes.

(d) Any zoning permit issued under this chapter shall be void if applicable to lands located within an officially mapped area for which the applicant has not obtained the proper permit from the appropriate city or village. In the event of an error in any application or any misstatement in any application, the zoning administrator shall issue stop work orders if the administrator discovers any official map to be applicable to the lands in question.

[**History**: (5)(a) am., Sub. 2 to OA 12, 1989-90, pub. 11/13/89; (2)(c), (3)(a) and (3)(b) am., Sub. 2 to OA 4, 1994-95, eff. 12/23/95; (2)(a) am., OA 16, 1996-97, pub. 01/16/97; (2)(am) cr., OA 37, 2007-08, pub. 02/01/08; (2)(b) resc., (3)(a)1. am., and (3)(a)3. cr., OA 4, 2011-12, pub. 08/01/11.]

10.255 ZONING COMMITTEE. (1) *Duties.* **(a)** The zoning committee shall be created and constituted by the county board and have the duties as prescribed by subsection (b) hereof.

(b) It shall be the duty of the zoning committee to supervise the administration of the zoning ordinance, to hold hearings on proposed amendments to this ordinance and to make recommendations thereon to the county board, to approve plats for recording in accordance with the provisions of s. 236.10, Wis. Stats.; and to perform such other duties in connection with zoning as may be delegated to it by the county board.

(c) *Effect of denial of a petition to change the zoning district boundaries.* No petition for a change in the zoning district boundaries which has been denied by the Dane County Board of Supervisors shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the zoning committee.

(d) The zoning committee shall use plans and maps developed by individual towns and approved by the county board as criteria for zoning recommendations to the county board, and shall review rezone and conditional use permit applications for consistency with town and county comprehensive plans.

(e) In considering land use issues for areas adjacent to local municipalities, notice shall be sent by certified mail to the affected municipality or municipalities. The notice shall include the location, description of use, requested zoning or permit and the date, time and place of the county public hearing. The notice shall state that it shall be incumbent upon the affected municipality to inform the county zoning agency of any concerns, potential problems or questions relative to the impact of the proposed use on a wellhead protection area.

(2) *Conditional uses.* **(a)** *Statement of purposes.* The development and execution of this ordinance is based upon the division of the county into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. The following provisions are then established to regulate those conditional uses which require special consideration.

(b) *Authority.* The zoning committee is authorized by Wis. Stat. § 59.69(2)(bm) to grant conditional use permits. Subject to sub. (c), the zoning committee, after a public hearing, shall, within a reasonable time, grant or deny any application for conditional use. Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the prescribed standards are met. No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met.

(c) *Town/zoning committee action.* **1.** The town board of the town where a conditional use is proposed shall be given notice and opportunity to approve or disapprove a conditional use. The town board shall communicate its position in writing on the conditional use application within sixty (60) days of the date of the public hearing. The town board may request an extension of the review period of up to forty (40) days by submitting a written request to the zoning committee. The zoning committee shall not take action on the application for conditional use until the time period for action by the town board has expired.

2. Either the town board or the zoning committee may deny an application for conditional use permit. If the town board action is denial no further action by the zoning committee is required. 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 sub. 1. above.

3. Town board and zoning committee actions shall be supported by written findings of fact. Failure of a town board or the zoning committee to make written findings of fact shall constitute approval of the application. Except for conditional use permit applications for a small scale electric generating station, using wind or solar energy, under s. 10.123(3)(n), written findings of fact shall, at a minimum, address the standards enumerated in sub. (2)(h) and, where applicable, s. 10.123(3). Written findings of fact for conditional use permit applications for a small scale electric generating station under s. 10.123(3)(n), using wind or solar energy, shall exclusively address the standards enumerated in sub. (2)(o). All findings shall be based solely upon the evidence within the public record.

4. If the town board approves the application subject to conditions and such conditions are amended or deleted by the zoning committee, the conditional use permit as approved by the zoning committee shall be submitted to the town board for approval of the zoning committee's conditions or denial of the permit. The town board shall submit a certified resolution indicating their action to the zoning administrator within forty (40) days of the approval by the zoning committee. If the town board does not act within the forty (40) day time period, the permit shall be deemed approved. If the town board denies the permit with the conditions as

amended by the zoning committee, the permit shall be deemed denied.

(d) *Initiation of conditional use.* Any person, firm, corporation or organization having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may be a freehold interest, or an exclusive possessory interest which is specifically enforceable in the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses provided for in this ordinance provided that the conditional use is one which is permitted by the zoning ordinance in the zoning district where the parcel is located.

(e) *Application for conditional use.* An application for a conditional use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall be accompanied by such plans and other information as required by this section or as may be prescribed by the zoning administrator or the zoning committee, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in par. (h) hereinafter.

1. *Site plan.* All applications for a conditional use permit must be accompanied by a site plan, drawn to a scale large enough to show detail, that includes, at a minimum the following information:

a. 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.

b. All dimensions and required setbacks, side yards and rear yards.

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

d. Parking lot layout in compliance with Section 10.18 of the Dane County Zoning Ordinance.

e. Proposed loading/unloading area.

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

g. All natural features such as lakes, ponds, streams (including intermittent watercourses), flood zone and wetland areas, and slopes over 12% grade.

h. 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.

2. *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:

a. Hours of operation.

b. Number of employees.

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 lace outside an enclosed building.

e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.

f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

g. Facilities for managing and removal of trash, solid waste and recyclable materials.

h. Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.

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

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

k. Signage.

(f) *Hearing on application.* Upon receipt of the application and statement referred to in par. (e) above, the zoning committee shall hold a public hearing on each application for conditional use at such time and place as shall be established by the zoning committee. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the zoning committee shall, by rule, prescribe from time to time.

(g) Notice of public hearing shall be given by publication of a Class 2 notice as provided for in chapter 985 of the Wisconsin Statutes. Notice to parties of interest shall be according to policies established by the zoning committee.

(h) *Standards.* No application for a conditional use shall be granted by the town board or zoning committee unless such body shall find that all of the following conditions are present:

1. 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;

2. 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;

3. 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;

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;

5. 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

6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

(i) *Conditions and guarantees.* Prior to the granting of any conditional use, the town board and zoning committee may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in subsection (h) above, or subsection (o) in the case of small scale electric generating stations under 10.123(3)(n), using wind or solar energy. In all cases in which conditional uses are granted, the town board and zoning committee shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

1. In addition to such other conditions as the town board and zoning committee may impose upon any conditional use, in the case of dependency living arrangements, each body shall require as a condition of approval that the use shall be discontinued at the time that a dependent person ceases to reside in the secondary living area. In no event shall the space so created be used for general rental purposes. The town board and zoning committee may, if they so desire, require the owner to record deed restrictions implementing these additional restrictions and such deed restrictions may be required to run in favor of the county, the town and adjacent landowners.

(j) *Appeal.* Any person aggrieved by a decision of the zoning committee or a town board regrading the grant or denial of a conditional use permit may appeal to the Dane County Board of Adjustment within 30 days of the final decision.

(k) *Effect of denial of application.* No application for a conditional use which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the zoning committee.

(L) In any case where the holder of a conditional use permit issued under this ordinance has not instituted the use or begun construction within one year of the date of approval, the permit shall be null and void.

(m) *Revocation of a conditional use permit.* If the zoning committee finds that the standards in subsection (2)(h) and the conditions stipulated therein are not being complied with, the zoning committee, after a public hearing as provided in subs. (2)(f) and (g), may revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in sub. (2)(j).

(n) *Abandoned conditional uses.* Any use, for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with these ordinances.

(o) *Standards for the review of small scale electric generating stations using wind or solar energy.*

1. An application for a conditional use permit for a small scale electric generating station under s. 10.123(3)(n) using wind or solar energy shall

be considered by the town and the committee in conformance with Wis. Stats. s. 66.0401(4).

2. No condition or restriction may be placed upon a wind energy system or solar energy system unless such restriction or condition:

a. serves to preserve or protect the public health or safety;

b. does not significantly increase the cost of the system or significantly decrease its efficiency; or

c. allows for an alternative system of comparable cost and efficiency.

(3) *Statement of purposes.* Conditional rezonings are authorized as provided herein to enable adaptation of zoning to unique circumstances regarding particular sites, uses or neighborhoods when the county has not had sufficient experience with the type of use in question to lead to treatment of the use as a conditional use.

(a) *Conditions on rezonings.*

1. The zoning committee may recommend and the county board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within a specified number of months of the date of county board approval of the amendment when the first on-site inspection for building location is made and approved for the project sought to be established, and in the event such approved inspection has not occurred by the end of the specified time period, the possibility of making effective the rezoning will then be terminated.

2. The zoning committee may recommend and the county board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within a specified number of months of the date of county board approval of the amendment when a restrictive covenant has been recorded binding the property to conditions specified in the amending ordinance, and in the event such covenant is not recorded by the end of the specified time period, the possibility of making effective the rezoning will then be terminated.

(b) Conditions specified to be in such required covenants shall be related to the purposes of the ordinance. 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. Enforcement rights over such covenant controls shall be afforded to the county, the town and owners of property within 300 feet of the site. 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.

(c) Other similar controls appropriate to handling by covenant provisions may also be imposed.

[**History**: (1)(e) cr., Sub. 1 to OA 32, 1992-93, pub. 04/14/93; (2)(c) cr., Sub. 3 to OA 36, 1987-88, pub. 08/02/88; (2)(c)-(m) renum. and (2)(c) cr., OA 9, 1993-94, pub. 04/20/94; (2)(j) am., OA 20, 1989-90, pub. 02/27/90; (2)(j) am., OA 50, 1987-88, pub. 06/18/88; OA 18, 1995-96, effecting (2)(j), vetoed by towns; (2)(b), (e), (f) and (j) and (3) am., OA 16, 1996-97, pub. 01/16/97; (1)(b) and (2)(L) am., and (2)(g) recr., OA 3, 2000-01, pub. 10/19/00; (2) am., OA 54, 2007-08, pub. 06/19/08; (1)(d) am., OA 6, 2008-09, pub. 09/16/08; (2)(e) am., OA 10, 2010-11, 12/10/10; (2)(c)3, (2)(i), and (2)(j) am., (2)(o) cr., Sub. 1 to OA 37, 2010-11, pub. 06/23/11; (2)(b), (2)(c)2., (2)(c)4. and (2)(j) am., 2016 OA-67, pub. 03/21/17.]

10.26 BOARD OF ADJUSTMENT.

(1) *Personnel, term and compensation.* The board of adjustment shall consist of five (5) members, appointed by the county executive with the approval of the county board, each serving for a term of three (3) years, the terms beginning July 1st and being staggered so that the terms of not more than two members shall expire in any year. Members shall reside in the unincorporated areas of the county and no two members shall be from the same town. Compensation of members shall be the same as allowed county board members for attendance at committee meetings.

(2) *Rules, meetings and minutes.* The county board shall adopt rules for the conduct of the business of said board of adjustment, in accordance with the provisions of any ordinance or ordinances adopted pursuant to sections 59.69, 59.692 or 87.30, Wis. Stats. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the county board. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and

other official actions, all of which shall be immediately filed in the office of the board and shall be public record.

(3) *Appeals to the board.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the zoning administrator or other administrative officer; an appeal may also be taken by the committee. 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 forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The committee may appeal only those matters properly before it prior to the committee vote and within thirty (30) days of the public hearing on the matter and only by a 2/3 vote of the committee's members. The committee's appeal shall be exempt from fee.

(4) *Stays.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board of adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(5) *Hearing appeals.* The board of adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, Wis. Stats., as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appeal in person or by agent or attorney.

(6) *Powers of the board of adjustment.* The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of sections 59.69, 59.692 or 87.30, Wis. Stats., or of any ordinance adopted pursuant thereto.

(b) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(c) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(7) *Order on appeal.* In exercising the above-mentioned powers such board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(8) *Majority rule.* The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(9) *Expiration of authorization.* When any construction shall have been authorized by the board of adjustment pursuant to the provisions of this section, a permit for such construction shall be taken out within one year from the date of such authorization, otherwise such authorization shall become null and void; provided that the board of adjustment, upon request, may extend such authorization for a specific period without the necessity of another public hearing.

(10) *Effect of the denial of an appeal by the board of adjustment.* An appeal that has been denied by the board of adjustment shall not be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the board.

[**History:** (3) am., OA 20, 1989-90, pub. 02/27/90; (2), (5) and (6)(a) am., OA 16, 1996-97, pub. 01/16/97; (2) and (6) am., OA 43, 1996-97, pub. 06/17/97; (6)(a) am., OA 22, 1997-98, pub. 06/03/98.]

10.27 SEVERABILITY OF ORDINANCE PROVISIONS. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole to any part

thereof, other than the part so declared to be invalid.

10.28 REPEAL OF CONFLICTING PROVISIONS. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

10.29 EFFECTIVE DATE. This ordinance shall be in full force and effect upon passage and publication.

[10.30 - 10.69 reserved.]

SUBCHAPTER II

10.70 SUBCHAPTER; PURPOSE. (1) Sections 10.70 through 10.93, inclusive, are hereinafter collectively referred to as "this subchapter".
(2) The purpose of this subchapter is to regulate signs for all properties within the jurisdiction of this ordinance and to ensure the public safety, preservation of scenic beauty and the implementation of the desired overall character of the community and its constituent zoning districts.
[History: am., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.71 DEFINITIONS. As used in this subchapter, the following words shall have the definitions indicated:
(1) *Sign* shall mean any object, device, display, structure or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. As used herein *sign* does not include the flag or emblem of any nation, organization of nations, or other governmental or municipal agencies or units; traffic control or other public agency signs; community information signs; displays within the confines of a building; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product or service; sculptural representations of an organization's or business's logo which do not contain any words and are not illuminated except that only one such representation of a particular business's or organization's logo is permitted; scoreboards located on athletic fields; and signs mounted or painted on commercial vehicles and the same are expressly excepted from regulation under this subchapter.
(2) *Agriculture sign* shall mean a sign advertising agricultural products which are available at a specific farm or are being produced on the farm on which the sign is located.
(3) *Apartment complex sign* shall mean a sign that provides identification for an apartment complex on which the sign is located.
(4) *Appendage sign* shall mean an additional sign mounted above or hung below the primary sign face.
(5) *Auxiliary sign* shall mean a sign mounted separately and apart from the primary sign and which provides supplemental information such as services, price, hours of operation, directions, warning, etc.
(6) *Awning sign* shall mean a sign painted or installed on an awning.
(7) *Back-to-back sign* shall mean signs that are mounted back to back with the sign faces in opposing directions or on a 'V-shaped' frame with an internal angle of less than 40. 'V-shaped' frame signs with an internal angle larger than 40 shall be considered side-by-side signs.
(8) *Billboard* shall mean an off-premise advertising sign with a copy area greater than 96 square feet.
(9) *Community information sign* shall mean a municipally-owned sign which displays information of interest to the general community regarding public places, events or activities.
(10) *Construction sign* shall mean a temporary sign which describes or identifies a demolition or construction project taking place on the premises.
(11) *Crop sign* shall mean a temporary sign which designates a variety, brand, or provides other identification of an agricultural crop, fertilizer, herbicide or pesticide that is being grown or used at a specific location.
(12) *Development sign* shall mean a sign which directs attention to a pending development of a property.
(13) *Directional sign* shall mean an on-premise auxiliary sign which provides directions for pedestrian or vehicular traffic, e. g., enter, exit, parking, or location of any place or area on the same premise.
(14) *Directory sign* shall mean an off-premise advertising sign with a copy area of 96 square feet or less.
(15) *Double decked sign* shall mean billboards or directory signs which are mounted one above the other.

(16) *Electronic sign* shall mean an advertising sign whose message may be changed by electronic process.
(17) *Farm sign* shall mean an on-premise sign identifying a farm by its name or by the farmer's name.
(18) *Garage sale sign* shall mean an on-premise sign advertising the occasional sale of personal property items. A garage sale sign does not include a sign advertising business products or produce.
(19) *Graphic sign* shall mean a sign which is an integral part of a building facade. The sign is painted directly on or otherwise permanently embedded in the facade.
(20) *Ground* shall mean the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground.
(21) *Ground sign* shall mean a freestanding sign mounted on supports or uprights and whose bottom edge is less than 8 feet above the ground.
(22) *Group sign* shall mean a sign displaying the names of a group of businesses which are located in the same locale such as a city, village, shopping center, office or commercial park, etc.
(23) *Home occupation sign* shall mean a sign which advertises a permitted home occupation.
(24) *Intersection* shall mean the point at which the right-of-way lines meet or, for highway interchanges, the beginning and ending points of the on and off ramps. A "T" intersection shall be considered the same as a four-way intersection in the determination of the required distance of signs from said intersection.
(25) *Limited family business sign* shall mean a sign which advertises a permitted limited family business.
(26) *Logo* shall mean an emblem, symbol or trademark identification placed on signs.
(27) *Marquee sign* shall mean a sign mounted on an overhanging canopy of a theater, auditorium, fairground, museum or other such use.
(28) *Mobile* or *portable sign* shall mean a sign mounted on a frame or chassis designed to be easily relocated and not permanently affixed to the ground or other structure.
(29) *Off-premise advertising sign* shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere other than upon the premises where the sign is displayed.
(30) *On-premise advertising sign* shall mean a sign which directs attention to a business, commodity, service, items or entertainment sold, offered or conducted on the same premises that the sign is located.
(31) *Parking lot sign* shall mean an auxiliary sign that lists the rules and regulations for the parking lot.
(32) *Political sign* shall mean a sign the message of which relates to a political party, a candidate for public office or a political issue.
(32m) *Private property protection sign* means a sign containing the words "no trespassing", "no hunting", "no entry", "private property" or similar language indicating an intent to deny entry to the general public. *Private property protection signs* include signs erected to conform to s. 943.13(2)(a) or (b), Wis. Stats.
(33) *Projecting sign* shall mean an on-premise advertising sign, other than a wall sign which is attached to and projects out from a wall or a building.
(34) *Pylon sign* shall mean a freestanding sign erected upon one or more pylons or posts the bottom edge of which is greater than eight feet above ground level.
(35) *Real estate sign* shall mean a sign that provides identification of property that is for lease, rent or sale.
(36) *Road classification* shall refer to the system of classifying roads, according to the following scheme:

Class A	All federal and state highways and designated county highways.
Class B	All county highways except those designated as class "A".
Class C	All town roads.
Class D	Roads within subdivisions which were recorded prior to the adoption of the zoning ordinance.
Class E	All other roads.

(37) *Side-by-side signs* shall mean two or more signs mounted adjacently on the same structure. Signs mounted on a 'V-shaped' frame that has an internal angle larger than 40 shall be considered side-by-side signs.
(38) *Sign copy area* shall mean the total area of a sign face which may be used for display of advertising, message announcement, etc.
(39) *Sign face* shall mean the total surface of a sign including the trim and copy area.
(40) *Signable wall area* shall mean the designated area of the wall of a building, up to

the roof line, which is free of windows and doors or major architectural detail.

(41) *Subdivision sign (permanent)* shall mean a permanently installed sign located on the subdivision property which identifies the subdivision name, etc.

(42) *Subdivision sign (temporary)* shall mean a sign which advertises the development of a residential or commercial subdivision plat.

(43) *Temporary signs* shall mean signs which are installed for a limited time period for the purpose of advertising a forthcoming event, e. g., retailer's signs temporarily displayed for the purpose of informing the public of a sale or special offer, garage sale signs, church or club event signs, etc. A permanently mounted sign shall not be considered as temporary even though the message displayed is subject to periodic changes.

(44) *Trim* shall mean a separate boarder or framing around the copy area of a sign.

(45) *V-shaped frame* shall mean a sign support structure which will accommodate two signs in a back-to-back position with one end of each sign mounted on a common support with the other sign. The other ends of the signs are mounted on separate, individual supports.

(46) *Vision clearance triangle* shall mean the area in each quadrant of an intersection which is bounded by the right-of-way lines of the roads and a vision clearance setback line connecting points on each right-of-way line which are located a distance back from the intersection equal to the setback required for each road. See diagram below.

See Appendix
page 10-101

(47) *Wall sign* shall mean a sign mounted on and parallel to a building wall or other vertical building surface. Signs on the sides of a service station pump island roof structure shall be considered wall signs.

[**History:** 10.71 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (1) am., OA 39, 1995-96, pub. 05/10/96, eff. 06/11/96; (1) am. and (32m) cr., OA 24, 1998-99, pub. 04/21/99; (29), (32) and (34) am., OA 3, 2000-01, pub. 10/19/00.]

10.72 PERMITTED ZONING DISTRICTS FOR SIGNS. (1) Unless expressly permitted under this section, a sign is not permitted in a zoning district.

(2) Agriculture signs are permitted in the following zoning districts: A-1 Agriculture, A-1 Exclusive Agriculture, A-2 Agriculture, A-3 Agriculture, C-1 Commercial, C-2 Commercial, M-1 Industrial and CO-1 Conservancy.

(3) Apartment signs are permitted in the following zoning districts: R-4 Residence, B-1 Local Business, C-1 Commercial.

(4) Auxiliary signs are permitted in all zoning districts.

(5) Billboards are permitted in the following zoning districts: C-1 Commercial, C-2 Commercial, M-1 Industrial.

(6) Construction signs are permitted in the following zoning districts: All districts.

(7) Crop signs are permitted in the following zoning districts: A-1 Agriculture, A-1 Exclusive Agriculture, A-2 Agriculture, A-3 Agriculture, C-1 Commercial, C-2 Commercial and M-1 Industrial.

(8) Development signs are permitted in all zoning districts.

(8m) Directory signs are permitted in all Agriculture districts and the C-1 Commercial, C-2 Commercial and M-1 Industrial districts.

(9) Electronic signs are permitted in the following zoning districts: A-B Agriculture-Business, B-1 Local Business, C-1 Commercial, C-2 Commercial, EXP-1 Exposition, M-1 Industrial.

(10) Farm signs are permitted in the following zoning districts: A-1 Agriculture, A-1 Exclusive Agriculture, A-2 Agriculture, A-3 Agriculture, C-1 Commercial, C-2 Commercial and M-1 Industrial.

(11) Garage sale signs are permitted in all zoning districts.

(12) Home occupation signs are permitted in the following zoning districts: A-1 Agriculture, A-1 Exclusive Agriculture, A-2 Agriculture, A-3 Agriculture, A-B Agriculture-Business, R-1 Residence, R-2 Residence, R-3 Residence, R-4 Residence, RH-1 Rural Homes, RH-3 Rural Homes, RE-1 Recreational and LC-1 Limited Commercial.

(13) Limited family business signs are permitted in the following zoning districts: A-1 Agriculture, A-1 Exclusive Agriculture, A-2 Agriculture, A-3 Agriculture.

(14) Marquee signs are permitted in the following zoning districts: B-1 Local Business, C-1 Commercial, C-2 Commercial, EXP-1 Exposition, M-1 Industrial and RE-1 Recreational.

(15) On-premise advertising signs are permitted in the following zoning districts: A-1 Agriculture, A-2 Agriculture, A-3 Agriculture, A-1 Exclusive Agriculture, A-B Agriculture-Business, B-1 Local Business, C-1 Commercial, C-2 Commercial, LC-1 Limited Commercial, EXP-1 Exposition, M-1 Industrial, RE-1 Recreational, R-1 through R-4 Residence Districts as a condition of a

conditional use permit, and RH-1 through RH-4 Rural Homes Districts as a condition of a conditional use permit.

(16) Parking lot signs are permitted in the following zoning districts: A-B Agriculture-Business, RE-1 Recreational, B-1 Local Business, C-1 Commercial, C-2 Commercial, LC-1 Limited Commercial, EXP-1 Exposition, M-1 Industrial.

(16m) Private property protection signs are permitted in all zoning districts.

(17) Projecting signs are permitted in the following zoning districts: A-B Agriculture-Business, RE-1 Recreational, B-1 Local Business, C-1 Commercial, C-2 Commercial, LC-1 Limited Commercial, EXP-1 Exposition, M-1 Industrial.

(18) Real estate signs are permitted in all zoning districts.

(19) Subdivision signs are permitted in all zoning districts.

(20) Wall signs are permitted in the following zoning districts: A-B Agriculture-Business, B-1 Local Business, C-1 Commercial, C-2 Commercial, LC-1 Limited Commercial, EXP-1 Exposition, M-1 Industrial and RE-1 Recreational.

[**History:** 10.72 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (8m) am., OA 16, 1996-97, pub. 01/16/97; (8m), (9), (14), (15), (16), (17) and (20) am., OA 23, 1997-98, pub. 08/17/98; (16m) cr., OA 24, 1998-99, pub. 04/21/99; (2), (7), (8m), (10), (12), (13) and (15) am., OA 3, 2000-01, pub. 10/19/00; (14), (15) and (20) am., OA 35, 2000-01, pub. 10/25/01; reference to "Agriculture District (Exclusive)" changed to "Exclusive Agriculture District", Sub. 1 to OA 31, 2001-02, pub. 09/04/02, eff. 09/05/02; (15) am., Sub. 1 to OA 1, 2009-10, pub. 09/08/09.]

10.73 GENERAL SIGN REGULATIONS. (1) The regulations contained in this section shall apply to signs in all zoning districts. The regulations set forth in this section do not supersede the specific requirements set forth in section 10.74.

(2) Apartment complex signs may be installed on-premises for identification of an apartment building or apartment complex. The sign may be either a ground or wall sign.

(3) Auxiliary signs may only provide supplemental information such as services, price, hours of operation, directions, warning, etc., and may not include any other information regarding product lines. The logo or name of the related business may be included.

(4) Awning signs are subject to wall sign regulations.

(5) To qualify as a construction sign, a sign shall identify the project and may include the names of the contractors, engineers or architect, or products being used in the construction of a building but only during the time that construction or development is actively under way. The sign shall be removed within 30 days of the completion of the project.

(6) The total sign copy area of all on-premise signs related to a business shall not exceed the maximum permitted sign copy area. Sign copy area shall be measured in the following manner: The copy area of signs which have a face, border or trim shall consist of the entire surface area of the sign on which copy could be placed. Copy area of a sign whose message is applied to a background which provides no face, border or trim shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message. See sub. (10) for sample diagrams.

(7) Copy area for appendage signs shall be measured as provided in sub. (6) above. The square foot total of all appendage sign copy areas shall be included with the sign copy area of the primary sign to provide the overall copy area of the sign.

(8) The supporting structure or bracing of a sign shall not be counted as a part of sign copy area unless such structure or bracing is made a part of the sign's message.

(9) The copy area of back-to-back signs shall be computed using the copy area of only one side. The side used shall be the larger of the two sides.

(10) The following illustrations demonstrate how sign copy area shall be determined.

See Appendix
page 10-102

(11) Crop signs are permitted only while the crop is being grown and for no more than 30 days after harvest.

(12) Directional signs are not permitted in residential districts except for use by an apartment building or complex.

(13) Distance measurements shall be measured along the pertinent right-of-way lines when determining separation between signs or distance from intersections.

(14) Double deck signs are not permitted.

(15) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information. Electronic signs may not display a message for less than one-half of a second and

may not repeat a message at intervals of less than 2 seconds. A traveling message may not travel slower than 16 light columns per second nor faster than 32 light columns per second.

(16) Farm signs are limited to on-premise signs identifying a farm by its name or by the farmer's name and may contain additional historical information such as date of founding or century farm designation or name or logo of the sign sponsor.

(17) Flashing or rotating lights on signs are not permitted.

(18) A garage sale sign may be displayed 7 days prior to the date of the sale and must be removed no later than the day following the event. The sign must be located on the premises of the garage sale.

(19) Graphic signs are not permitted.

(20) Logos may contain only the emblem or name of the business located on the same property or, on farm and crop signs, the name or emblem of the business sponsoring the signs. Logos may not be larger than 25% of the sign copy area and shall be included within said copy area.

(21) Except for time and temperature signs and electronic signs, no fluttering, undulating, rotating, or other moving signs shall be permitted.

(22) Plantings or structures that exceed 30 inches in height are prohibited beneath ground and pylon signs.

(23) Sign trim is permitted on all signs and may be installed around the outside of the sign copy area. The square foot area of the trim shall not be greater than 25% of the permitted copy area of the sign.

(24) No sign, temporary or otherwise, shall be affixed to a tree or utility pole, fence or fence pole, or be painted on a stone.

(25) Private property protection signs are not regulated by this section.

[History: 10.73 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (25) cr., OA 24, 1998-99, pub. 04/21/99; (9) am., OA 46, 2009-10, pub. 03/03/10.]

10.74 SPECIFIC REGULATIONS FOR VARIOUS TYPES OF SIGNS. Signs of various types shall be installed according to the regulations set forth below:

(1) Agriculture signs shall have a maximum size of 32 square feet and be erected to a height not to exceed 8 feet. Such signs shall be located not less than .25 miles from other signs and not more than 1 mile from the site advertised on the sign.

(2) Apartment signs shall have a maximum size of 32 square feet and be erected to a height not to exceed 8 feet. Such signs shall be located on the site advertised on the sign. Not more than one such sign is permitted for an apartment complex.

(3) Auxiliary signs shall have a maximum size of 5 square feet and be erected to a height not to exceed 4 feet, with a total copy area not to exceed 50 square feet. Such signs shall be located on the site advertised on the sign.

(4) Crop signs shall have a maximum size of 3 square feet and be erected to a height not to exceed 10 feet. Such signs shall be located not less than 50 feet from the site advertised on the sign, and there shall not be more than one such sign per row of crop.

(5) Ground on-premise signs shall have a maximum size of 32 square feet where the speed limit on the adjacent highway is 35 miles per hour or less, 64 square feet where the maximum permissible speed on the adjacent highway is between 36 and 45 miles per hour, and 96 square feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such a sign may be erected to a height not to exceed 12 feet where the speed limit on the adjacent highway is 35 miles per hour or less, 16 feet where the speed limit on the adjacent highway is between 36 and 45 miles per hour, and 20 feet where the speed limit on the adjacent highway is more than 45 miles per hour. There shall be no more than one such sign for each road frontage and the sign shall be located not more than 200 feet from the site advertised on the sign, except that signs for residential or commercial plats, limited family business and recreational facilities such as golf courses and camp grounds may be installed at the property entrance locations even though the signs might be more than 200 feet from the site advertised. On-premise signs for conditional land uses in the R-1 through R-4 Residence Districts or RH-1 to RH-4 Rural Homes Districts shall be limited to a maximum size of 32 square feet regardless of the speed limit on the adjacent highway.

(6) Billboards shall have a maximum size of 300 square feet and be erected to a height not to exceed 35 feet above the centerline of the adjacent highway at the location of the sign, with a minimum distance of 300 feet between signs and a total copy area not to exceed 300 square feet per sign.

(7) Construction signs shall have a maximum size of 64 square feet and be erected to a height

not to exceed 12 feet. Such signs shall be located on site, with no more than one such sign on the site's road frontage.

(8) Development signs shall have a maximum size of 32 square feet where the speed limit on the adjacent highway is 35 miles per hour or less, 64 square feet where the maximum permissible speed on the adjacent highway is between 36 and 45 miles per hour, and 96 square feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such a sign may be erected to a height not to exceed 10 feet where the speed limit on the adjacent highway is 35 miles per hour or less, 15 feet where the speed limit on the adjacent highway is between 36 and 45 miles per hour, and 20 feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such signs shall be located on the site advertised and not less than .25 miles from other signs.

(9) Directory signs shall have a maximum size of 96 square feet and be erected to a height not to exceed 35 feet above the centerline of the adjacent highway at the location of the sign, with a total copy area not to exceed 96 square feet. Such signs shall be located not less than .25 miles from other signs and not more than 5 miles from the site advertised on the sign.

(10) Electronic signs shall conform to the regulations for the type of installation, whether directory, on-premise ground, pylon or wall sign.

(11) Farm signs shall have a maximum size of 32 square feet and be erected to a height not to exceed 8 feet. Such signs shall be located not less than .25 miles from other signs and not more than 1 mile from the site advertised on the sign.

(12) Group signs shall conform to the regulations for the type of installation, whether directory, on-premise ground, pylon or wall sign.

(13) Home occupation signs shall have a maximum size of 2 square feet and shall be located on the premises of the business advertised on the sign.

(14) Limited family business signs: A maximum of two on-premise signs are permitted; one, a wall sign limited to a maximum size of 12 square feet erected to a height not to exceed 8 feet. Such sign shall be located on the building in which the business advertised on the sign is located. The second sign may be a driveway entrance sign limited to a maximum size of 16 square feet and a maximum height of 8 feet.

(15) 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.

(16) Mobile signs are not permitted.

(17) Parking lot signs shall have a maximum size of 32 square feet and 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.

(17m) Private property protection signs shall have a maximum size of 324 square inches.

(18) Projecting signs shall have a maximum size of 32 square feet and be erected to a height not to exceed 15 feet. Such signs shall be located on the building containing the business advertised on the sign.

(19) Pylon signs shall have a maximum size of 100 square feet where the speed limit on the adjacent highway is 35 miles per hour or less, 200 square feet where the maximum permissible speed on the adjacent highway is between 36 and 45 miles per hour, and 300 square feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such a sign may be erected to a height not to exceed 20 feet where the speed limit on the adjacent highway is 35 miles per hour or less, 35 feet where the speed limit on the adjacent highway is between 36 and 45 miles per hour, and 50 feet where the speed limit on the adjacent highway is more than 45 miles per hour. There shall be no more than one such sign per parcel and the sign shall be located on the same parcel as the site advertised on the sign.

(19m) (a) This subsection supersedes sub. (19) with respect to eligible pylon signs as defined herein.

(b) As used in this subsection, *interstate highway* means any highway officially designated as a part of the national system of interstate and defense highways by the Wisconsin Department of Transportation and approved by the appropriate authority of the federal government, and *eligible pylon sign* means a pylon sign which is both located within 2,500 feet of the right-of-way of an interstate highway and erected on the premises of a business advertised on the sign.

(c) Eligible pylon signs shall have a maximum size of 500 square feet and may be erected to a height not to exceed 150 feet.

(d) Eligible pylon signs shall comply with applicable federal law and the June 1961 agreement between the Wisconsin Department of Transportation and the federal highway

administrator relative to control of advertising adjacent to interstate highways. Additionally, except as to maximum size and maximum height, any such sign shall comply with s. 83.40(4), Wis. Stats., and acts amendatory thereto.

(20) Real estate signs shall have a maximum size of 32 square feet where the speed limit on the adjacent highway is 35 miles per hour or less, 64 square feet where the maximum permissible speed on the adjacent highway is between 36 and 45 miles per hour, and 96 square feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such a sign may be erected to a height not to exceed 8 feet where the speed limit on the adjacent highway is 35 miles per hour or less, 15 feet where the speed limit on the adjacent highway is between 36 and 45 miles per hour, and 20 feet where the speed limit on the adjacent highway is more than 45 miles per hour. There shall be no more than one such sign for each road frontage and the sign shall be located on the site advertised on the sign.

(21) Subdivision signs shall have a maximum size of 64 square feet and be erected to a height not to exceed 10 feet. Such signs shall be located on the site advertised on the sign, with no more than one such sign per entrance to the site.

(22) Temporary signs shall have a maximum size of 64 square feet and be erected to a height not to exceed 12 feet. There shall be no more than one such sign per parcel and the sign shall be located on the site advertised on the sign.

(23) Wall signs shall have a maximum size of 100 square feet where the speed limit on the adjacent highway is 35 miles per hour or less, 200 square feet where the maximum permissible speed on the adjacent highway is between 36 and 45 miles per hour, inclusive, and 300 square feet where the speed limit on the adjacent highway is more than 45 miles per hour. Such a sign shall be erected to a height not to exceed 20 feet where the speed limit on the adjacent highway is 35 miles per hour or less, 35 feet where the speed limit on the adjacent highway is between 36 and 45 miles per hour, inclusive, and 50 feet where the speed limit on the adjacent highway is more than 45 miles per hour, except that for buildings six stories or more in height, a wall sign may also be located within 20 feet of the top of the building facade. There shall be no more than two such signs per building, except that a building on a zoning lot with two road frontages is allowed a maximum of three wall signs and except that a building on a zoning lot with more than two road frontages is allowed a maximum of four wall signs. The maximum size and height of signs on zoning lots with two or more road frontages shall be determined by reference to the nearest adjacent road which is not within the right-of-way of another road. Notwithstanding that more than two wall signs are allowed on a building, in no event shall there be more than two wall signs on any one side of the building. Wall signs shall be located only on the building containing the business advertised on the sign.

(a) In the EXP-1 Exposition district wall signs shall have a maximum size of 300 square feet.

[History: 10.74 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (5) am., OA 5, 1994-95, pub. 09/02/94; (14) am., OA 7, 1994-95, pub. 09/02/94; (19) am. and (19m) cr., OA 43, pub. 09/10/96; (19) am., OA 19, 1996-97, pub. 01/06/97; (23) am., OA 23, 1997-98, pub. 08/17/98; (17m) cr., OA 24, 1998-99, pub. 04/21/99; (23) am., OA 28, 2000-01, pub. 08/02/01; (23)(a) cr., OA 42, 2001-02, pub. 09/24/02, eff. 09/25/02; (5) am., Sub. 1 to OA 1, 2009-10, pub. 09/08/09.]

10.75 CALCULATION OF HEIGHT REGULATIONS. (1) Auxiliary signs for service station prices may not be installed higher than 8 feet above ground level.

(2) For billboard signs, the height will be measured from the elevation of the centerline of the adjacent road to the top of the sign.

(3) For directory signs, the height will be measured from the elevation of the centerline of the adjacent road to the top of the sign.

(4) For electronic signs, the height of the sign shall be determined by the manner of installation of the sign, i. e., according to whether the sign is of the ground, wall, projecting or pylon type.

(5) For ground mounted signs, except billboards, directory or pylon signs, the height shall be measured from ground level beneath the sign to the top edge of the sign.

(6) For a projecting sign, the height shall be measured from ground level to the top of the sign. The bottom edge of such sign shall be located a minimum of eight feet from ground level directly under the sign.

(7) For a pylon sign, the height will be measured from the elevation of the centerline of the adjacent road to the top of the sign.

(8) For a wall sign, the height shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign may not be higher than the building on which it is mounted.

[History: 10.75 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.76 DESIGN REQUIREMENTS.
(1) Illumination of signs must be designed so that the lighting element is shielded from view from any adjacent residence and from vehicular traffic. Neon and fiber-optic lighting and electronic signs are exempt from this regulation.
(2) 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.
[**History:** 10.76 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.77 LOCATIONAL REGULATIONS. (1) Billboards may not be located within 300 feet of existing on-premise advertising signs.
(2) Off-premise signs may not be installed within the limits of any curve.
(3) Crop signs shall be located within 50' of the crop identified.
(4) Directory signs may not be located within 300 feet of existing on-premise advertising signs.
(5) No sign may block or interfere with the visibility for ingress or egress of a driveway. All signs, except auxiliary signs, that are adjacent to driveway ingress or egress, shall provide a minimum of 6 feet of clearance between ground level and the bottom edge of the sign.
(6) No sign may be located within a permanently protected green space area.
(7) Home occupation signs shall be mounted on the residence in which the occupation is located.
(8) Limited family business signs shall be mounted on the building in which the business is located.
(9) Each primary building housing a separate unaffiliated business on a parcel is allowed to have the total related signs as permitted by this ordinance, e. g., each building in a condominium plat and each leased or rented building in a complex shall be entitled to the total number of signs. Businesses located in one building must share the total signs allocated to the building.
(10) Projecting signs may not be located directly over a public or private street, drive or parking area.
(11) Ground and pylon signs may not be located less than 5 feet from a rear lot line.
(12) No sign shall be located within a road right-of-way.
(13) No sign shall be installed on a roof.
[**History:** 10.77 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (9) am., OA 35, 2000-01, pub. 10/25/01.]

10.78 INTERSECTION REGULATIONS. (1) A billboard whose bottom edge is less than 8 feet above the centerline elevation of adjacent roads shall maintain a minimum distance from road intersections as follows:

Road Speed	Required Distance
0-35 MPH	100'
36-45 MPH	200'
over 45 MPH	300'

(2) 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.
(3) A directory sign whose bottom edge is less than 8 feet above the centerline of adjacent roads shall maintain a minimum distance from road intersections as follows:

Road Speed	Required Distance
0-35 MPH	100'
36-45 MPH	200'
over 45 MPH	300'

(4) A directory sign whose bottom edge is 8 feet or higher above the centerline of adjacent roads may be located up to the vision triangle line.
(5) An on-premise ground sign whose top is more than 30 inches above the centerline of the adjacent road or whose bottom edge is less than 6 feet above the centerline of the adjacent road, shall maintain a minimum distance from road intersections as shown:

Road Speed	Required Distance
0-35 MPH	100'
36-45 MPH	200'
over 45 MPH	300'

(6) An on-premise ground sign whose top is less than 30 inches above the centerline of the adjacent road or whose bottom edge is 6 feet or more above the centerline of the adjacent road may be installed up to the vision clearance triangle line.

(7) An on-premise pylon sign whose bottom edge is less than 8 feet above the centerline of the adjacent road shall maintain a minimum distance from road intersections as shown:

Road Speed	Required Distance
0-35 MPH	100'
36-45 MPH	200'
over 45 MPH	300'

(8) An on-premise pylon sign whose bottom edge is 8 feet or more above the centerline of adjacent roads may be located up to the vision triangle line.
(9) No sign shall be erected or maintained in an intersection vision clearance triangle.
(10) This section shall not be construed to supersede, abridge or amend state and federal regulations which are more restrictive.
[**History:** 10.78 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; (5) and (6) am., OA 6, 1994-95, pub. 09/02/94.]

10.79 SIGN MAINTENANCE REGULATIONS. **(1)** All signs within the jurisdiction of this ordinance shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials including peeling paint, paper or other material, prevention of excessive rust, the prevention of excessive vibration or shaking and the maintenance of the original structural integrity of the sign, frame and other supports, its mounting and all components thereof.
(2) Signs found to be in violation of the provisions of this section shall be repaired or removed.
[**History:** 10.79 rep. & recr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.80 MARQUEE SIGNS. **(1)** Marquee signs shall be subject to wall sign regulations except as otherwise provided by this ordinance. Copy displayed on marquee signs shall be limited to names, dates and times of events scheduled on the premises.
[**History:** 10.80 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.81 POLITICAL SIGNS. **(1)** Political signs installed on underlying structures capable of being classified as specific types of signs, such as billboards, directory signs, awning signs, ground signs and the like, shall comply with all regulations applicable to the underlying sign structure.
(2) Temporary political signs which promote a particular candidate or candidates for a particular election, may be erected and maintained otherwise unrestricted by this ordinance except that all such signs shall conform to the vision triangle requirements, shall not be erected in a highway right-of-way, shall not exceed 32 square feet in sign area, shall not be erected more than 70 days prior to the election and shall be removed not later than 10 days after the election.
[**History:** 10.81 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.82 REAL ESTATE SIGN REGULATIONS. **(1)** Real estate signs are permitted on all properties advertised for lease, sale or rent. Signs shall be removed within 30 days of occupancy, lease or sale.
[**History:** 10.82 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.83 SET BACK REGULATIONS. **(1)** All signs shall be located a minimum of 5 feet from the road right-of-way except as otherwise provided by this ordinance.
(2) A ground sign located on the premises of an existing business and whose bottom edge is less than 6 feet above ground level shall be set back the greater of the centerline distance or the right-of-way distance as specified in the following schedule:

TYPE OF ROAD	FEET FROM CENTERLINE	FEET FROM RIGHT-OF-WAY
Class A	100	42
Class B	75	42
Class C	63	30
Class D	not applicable	20
Class E	not applicable	30

(3) Ground and pylon signs shall be located a minimum of 5 feet from a side lot line.
[**History:** 10.83 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.84 WALL SIGN REGULATIONS. **(1)** The space on a building wall that is designated to be the wall sign area shall be free of windows and doors or major architectural detail.
(2) Wall signs shall not extend beyond the end of any wall or other surface to which they are mounted, nor shall they project more than 18 inches from its surface.
[**History:** 10.84 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.85 SUBDIVISION SIGN REGULATIONS. **(1)** Permanent subdivision identification signs may be installed on the subdivision property at the primary entrances to the subdivision.
(2) A temporary development project identification sign is permitted to be located on site at each primary entrance. Maximum size of the sign shall be not more than 144 square feet in area. Signs shall be removed within 30 days of the sale of all lots in the subdivision.
[**History:** 10.85 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.86 TEMPORARY SIGN REGULATIONS. **(1)** Except as provided otherwise by this ordinance, any property is permitted to display temporary signs for a maximum of thirty days within any 12 month period. Furthermore, any property is limited to use of temporary signs a maximum of two times in any 12 month period. Political signs are exempt from this restriction.
(2) Events of public interest, such as a neighborhood, church or club fair, festival, bazaar, etc., may have one sign, not over 64 square feet in area, located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed within 24 hours after the event.
(3) Directional signs, not more than four square feet in area, showing only a directional arrow and the name of the event are permitted. Such signs shall not be erected more than 10 days before the event and shall be removed within five days after the completion of the event.
[**History:** 10.86 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.87 REGULATIONS PERTAINING TO NONCONFORMING SIGNS AND USE. **(1)** Signs existing prior to the effective date of this ordinance which do not conform to the provisions of the ordinance shall be nonconforming signs. Nonconforming signs shall not be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance. Routine maintenance of a sign is permitted unless the cost exceeds 50% of the current value of the sign, if the maintenance cost is more than 50% of the value of the sign said sign shall be considered rebuilt.
(2) Signs advertising a nonconforming use may be continued but such signs shall not expand in number, copy area, height or illumination. New signs may be erected only upon the complete removal of all nonconforming signs.
(3) Nonconforming signs shall be brought into compliance or removed when the principal use of the premises is changed to a different use.
[**History:** 10.87 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.88 VARIANCES. **(1)** Variances from the requirements of this chapter may be granted by the standing committee designated by the county board upon application to and payment of a fee to the zoning administrator. Variances are limited as specified in this section.
(2) Variances may be granted from the maximums of height or area (but not both) for all signs regulated by this ordinance, except as limited by this section.
(3) Variances to maximum of height or area may not exceed maximums specified in this chapter by more than 20%.
(4) Variances may not be granted to maximum height, to maximum area or to minimum separation requirements for off-premise advertising signs.
[**History:** 10.88 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.89 VARIANCE STANDARDS. **(1)** Unnecessary hardship must be found as distinguished from a mere inconvenience. The finding of a hardship shall take into consideration the particular physical surroundings, shape or topographical conditions of the specific property involved.
(2) The conditions upon which the application for a variance is based would not be applicable generally to other property similarly situated.
(3) The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
(4) The alleged hardship or difficulty is caused by this ordinance and has not been created by any person presently having an interest in the property.
(5) The granting of the variance will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, endanger the public safety or substantially diminish or impair property values within the neighborhood.
[**History:** 10.89 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.90 CONDITIONS ON VARIANCES. (1) The committee may impose such conditions or restrictions upon the sign and premises benefited by a variance as may be necessary to comply with the above standards to reduce or minimize the injurious effect of such variance upon other property in the neighborhood and to better carry out the general intent of this ordinance.
[**History:** 10.90 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.91 APPLICATIONS AND PERMITS. (1) The application for a permit to install or erect a sign shall contain such information as required by the zoning administrator.
(2) 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.
(3) Fees established by chapter 12 supersede all other fees established in chapters 10 and 78 of the Dane County Code of Ordinances.
[**History:** 10.91 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.92 PENALTIES. (1) Any person or persons, firm, company or corporation, owner, occupant or other user of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this subchapter shall be subject to a forfeiture of not less than five dollars, nor more than two hundred dollars and costs. Each day that a violation is permitted to exist shall constitute a separate offense.
(2) Compliance herewith shall be enforced by injunctional order at suit of the county or occupant of real estate within the district affected by the regulations of this ordinance. It shall not be necessary to prosecute for forfeiture before resorting to injunctional proceedings.
(3) 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. 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.
[**History:** 10.92 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

10.93 SEVERABILITY. (1) Should any section, clause or provision of this subchapter be declared by the courts to be invalid, the same shall not affect the validity of this subchapter as a whole or any part thereof, other than the part so declared to be invalid.
(2) This subchapter shall be construed to repeal the provisions of any other ordinance in conflict with its provisions.
[**History:** 10.93 cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90.]

END OF CHAPTER