

P E T I T I O N

The undersigned hereby petitions the County of Dane to amend its zoning ordinances in the manner indicated below.

Dated: _____ BY: _____

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Dated: _____ BY: _____

ORD. AMEND. NO. _____, 2010-2011

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING ACCESSORY STRUCTURES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 10.01(2d) is created to read as follows:

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

ARTICLE 3. Section 10.01(7f) is created to read as follows:

(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.

ARTICLE 4. Section 10.01(23g) is rescinded:

~~(23g) Farm accessory building. Means an accessory building or buildings which are used in the operation of a farm.~~

ARTICLE 5. Section 10.01(23j) is amended to read as follows:

(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

47 floor area shall be the sum of the areas of the several floors of the buildings
48 devoted to such use, including all areas devoted to such use, including all
49 areas devoted to restrooms, storage, utilities and circulation.
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51 ARTICLE 6. Section 10.01(55a) is created to read as follows:

52 (55a) Sanitary fixture. Any plumbing fixture that requires discharge to a private
53 onsite wastewater treatment system or public sanitary sewer system
54 pursuant to state or county plumbing code.
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56 ARTICLE 7. Section 10.01(7) is amended to read as follows:

57 (7) *Building.* Any structure having a roof supported by posts, columns or walls
58 and its appendages including, but not limited to balconies, porches, decks,
59 stoops, fireplaces and chimneys. Also included for permit and locational
60 purposes are swimming pools, both above and below ground, permanent
61 hunting blinds with a foundation, and towers, ~~except~~including
62 communication towers. Not included within the definition, for permit
63 purposes or otherwise, are poles, towers and posts for lines carrying
64 telephone messages or electricity and recreational structures of open
65 construction and without walls, such as swing sets, slides, yard gyms,
66 climbers, sand boxes and teeter totters.
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68 ARTICLE 8. Section 10.04(1)(b) is amended to read as follows:

69 (b). ~~Residential~~Accessory buildings. Any number of detached accessory
70 buildings associated with a permitted or conditional ~~residential~~use are
71 permitted on a-lots in the various zoning districts, subject to the regulations
72 specified below and in the applicable district regulations of this ordinance,
73 ~~provided that the following conditions are met:~~
74

75 1. Principal residential use required. Notwithstanding the provisions of s.
76 10.04(1)(c), or as may be allowed under the applicable district regulations
77 of this ordinance, A_a principal residential use must exist or is-be under
78 construction prior to the erection or placement of an residential accessory
79 building.
80

81 2. ~~Except in the A-1, A-1 Exclusive, A-2, or A-3 Agriculture Districts,~~
82 ~~residential accessory buildings shall not exceed fifty percent (100%) of~~
83 ~~the total floor area of the associated residence. Sanitary fixtures are~~
84 ~~prohibited in accessory buildings except in agricultural accessory~~
85 ~~buildings on zoning lots over 35 acres in size, or if required by law, or~~
86 ~~allowed by a conditional use permit.~~
87

88 3. ~~On lots in the A-1, A-1 Exclusive, A-2 or A-3 Agriculture Districts, the total~~
89 ~~floor area of all residential accessory buildings shall not exceed one~~
90 ~~hundred percent (100%) of the total floor area of the associated~~
91 ~~residence. Size limitations – residential accessory buildings. In the R-~~
92 ~~Residence districts, the total gross floor area of all detached accessory~~

93 buildings shall not exceed one hundred (100%) of the total building
94 footprint area of the associated residence.

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

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105 5. Setback requirements, front yard. Except as provided under section
106 10.16(4) of this ordinance, no building, including barns and other farm
107 buildings of any description whatsoever, shall be erected, moved or
108 structurally altered so as to be nearer the highway than is prescribed by
109 section 10.17.

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111 6. Setback requirements, side yard.

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

118 b. Accessory buildings, cages, kennels, hives and runs for housing of
119 animals or insects shall be located at least 100 feet from an R-1, R-
120 1A, R-2, R-3, R-3A or R-4 Residence District, except with respect
121 to existing buildings when the residence district has been created
122 for an existing farm residence or by separating a farm residence
123 from a farm property and the separated parcel has been rezoned to
124 a residence district after or at the time of the division.

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

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

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

135 7. Setback requirements, rear yard.

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- 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 district, 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 [clerk to insert date of adoption of this amendment] 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.

ARTICLE 9. Section 10.04(1)(c) is amended to read as follows:
(c) Agricultural accessory buildings. On land in the A-1, A-1 Exclusive, A-2, ~~or~~ A-3, and A-4 Agriculture Districts, and on land in the Rural Homes District used for agricultural purposes involved in an agricultural or agricultural accessory

181 [use](#), agricultural accessory buildings are permitted but are limited to barns,
182 sheds, silos and other structures that are clearly related to a permitted
183 agricultural [or agricultural accessory](#) use. [The minimum side and rear yard](#)
184 [setback for such structures is 10 feet, unless a greater distance is required by](#)
185 [the applicable district regulations of this ordinance.](#)
186

187 ARTICLE 10. Section 10.12(2)(g) is amended to read as follows:

188 *Permitted uses in the A-1 Agriculture District*

189 **(g)** The seasonal storage of recreational equipment and motor vehicles owned
190 by private individuals other than those residing on the premises is permitted.
191 Such storage shall be in existing [agricultural](#) accessory ~~farm~~-buildings. The
192 storage of a dealer's inventory or the construction of any new buildings for
193 storage shall be considered a commercial use and subject to the provisions
194 of this ordinance.
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196 ARTICLE 11. Section 10.12(5)(a) is amended to read as follows:

197 **(5)** *Area, frontage and population density regulations.* **(a)** For agricultural uses
198 the area shall be not less than five (5) acres and the minimum width shall be
199 two hundred fifty (250) feet, the width to be measured at the location of
200 [agricultural](#) accessory ~~farm~~-buildings.
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202 ARTICLE 12. Section 10.123(3)(L) is amended to read as follows:

203 *Conditional uses in the A-1EX District*

204 **(L)** The seasonal storage of recreational equipment and motor vehicles owned
205 by private individuals other than those residing on the premises, such
206 storage to be in existing [agricultural](#) accessory ~~farm~~-buildings. The storage
207 of a dealer's inventory or the construction of any new buildings for storage
208 shall be considered a commercial use and subject to the provisions of this
209 ordinance.
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211 ARTICLE 13. Section 10.126(3)(r) is amended to read as follows:

212 *Conditional uses in the A-2 District*

213 **(r)** The seasonal storage of recreational equipment and motor vehicles owned
214 by private individuals other than those resident on the premises, this storage
215 to be in existing [agricultural](#) accessory ~~farm~~-buildings. The storage of a
216 dealer's inventory or the construction of any new buildings for storage shall
217 be considered a commercial use and subject to the provisions of this
218 chapter.
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220 ARTICLE 14. Section 10.126(3)(x) is created to read as follows:

221 *Conditional Uses permitted in the A-2 Agriculture District*

222 **(x)** [Sanitary plumbing fixtures in accessory buildings involved in an agricultural](#)
223 [or agricultural accessory use on parcels over 5 acres in size.](#)
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225 ARTICLE 15. Section 10.129(2)(d) is amended to read as follows:

226 *Permitted uses in the A-4 District*

227 (d) ~~Farm-Agricultural~~ accessory buildings such as, but not limited to, silos,
228 barns, sheds, livestock shelters or storage sheds for farm equipment that are
229 accessory to a permitted agricultural use.

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231 ARTICLE 16. Section 10.129(3)(d) is amended to read as follows:

232 *Conditional uses in the A-4 District*

233 (d) The seasonal storage of recreational equipment and motor vehicles owned
234 by private individuals, such storage to be in existing ~~farm-agricultural~~
235 accessory buildings. The storage of a dealer's inventory or the construction
236 of any new buildings for storage shall be considered a commercial use and
237 subject to the provisions of this ordinance.

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239 ARTICLE 17. Section 10.129(9)(a) is amended to read as follows:

240 *General provisions applicable to the A-4 District*

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

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246 ARTICLE 18. Section 10.09(3) is amended to read as follows:

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

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250 ARTICLE 19. Section 10.123(4)(b) is amended to read as follows:

251 *Building height limits.*

252 (b) ~~Residential-accessory~~ Accessory buildings shall not exceed ~~46-35~~
253 feet in height.

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255 ARTICLE 20. Section 10.126(4)(b) is amended to read as follows:

256 *Building height limits.*

257 (b) ~~Residential-accessory~~ Accessory buildings shall not exceed ~~46-35~~
258 feet in height.

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260 ARTICLE 21. Section 10.25(2)(b) is rescinded:

261 ~~(b) Permits shall not be required for accessory farm buildings such as barns,~~
262 ~~sheds, silos and the like when those buildings are used in the operation of a~~
263 ~~farm, provided that the proposed building will not be located within a mapped~~
264 ~~flood plain or within a shoreland area and conforms to all of the locational~~
265 ~~requirements of this ordinance. If the proposed location of an accessory farm~~
266 ~~building does not meet the locational requirements, a variance and a permit~~
267 ~~must be requested from the board of adjustment.~~

269 ARTICLE 22. Section 10.25(3)(a)1 is amended to read as follows:
270 **(3) Inspections of buildings to be made by the zoning administrator. (a) 1.** A
271 location survey as defined herein shall be submitted to the zoning division for
272 all construction which will be located less than ten (10) feet from required
273 setback lines, except as exempted below. The survey shall be done at the
274 time when foundations or basement walls are completed. Such survey shall
275 be submitted to the zoning office prior to the continuation of work on the
276 project.

277
278 ARTICLE 23. Section 10.25(3)(a)3 is created to read as follows:
279 3. Upon approval by the zoning administrator, a location survey is not required
280 for non-permanent accessory buildings under 120 square feet in gross floor
281 area not located on a foundation, concrete slab, pilings, or footings. It shall
282 be the responsibility of the owner to demonstrate compliance with the setback
283 requirements of this ordinance upon request.

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286 *[EXPLANATION: This amendment proposes more detailed and uniform*
287 *regulations for accessory buildings. The amendment includes definitions of key*
288 *terms and establishes uniform side and rear yard setbacks, as well as lot*
289 *coverage and height limitations for accessory buildings in certain districts. The*
290 *amendment prohibits sanitary plumbing fixtures in most accessory buildings,*
291 *except in agricultural accessory buildings on zoning lots over 35 acres in size, or*
292 *if required by law, or allowed by a conditional use permit. The amendment*
293 *requires zoning permits for all structures, including farm buildings. A companion*
294 *amendment to Chapter 12, provides a zoning permit fee exemption for farm*
295 *buildings on zoning lots over 35 acres. The amendment also exempts non-*
296 *permanent structures under 120 square feet in size from zoning permit*
297 *requirements.]*

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