

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE
OF ORDINANCES, REGARDING CHANGES TO THE LIMITED COMMERCIAL (LC-1) ZONING DISTRICT
AND ESTABLISHING CONDITIONAL USE PERMIT APPLICATION PROCEDURES

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. Subsection 10.01(27g) is created to read as follows:

(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.

ARTICLE 3. Subsection 10.01(27h) is created to read as follows:

(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.

ARTICLE 4. Subsection 10.01(30f) is created to read as follows:

(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.

ARTICLE 5. Subsection 10.01(30g) is created to read as follows:

(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 LC-1 district. "Family" has the meaning set forth in section 10.01(23).

ARTICLE 6. Subsection 10.01(40m) is created to read as follows:

(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.

ARTICLE 7. Subsection 10.01(40t) is created to read as follows:

(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.

ARTICLE 8. Section 10.141 is rescinded.

ARTICLE 9. Section 10.111 is created to read as follows:

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.
- (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(30b).
- (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.

ARTICLE 10. Section 10.255(2)(e) is amended to read as follows:

(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 areas.
- 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 place outside an enclosed building.
- e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.
- f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.
- g. Facilities for managing and removal of trash, solid waste and recyclable materials.
- h. Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
- i. A listing of hazardous, toxic or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.
- j. Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties.
- k. Signage.

[EXPLANATION: This amendment makes revisions to the LC-1 (Limited Commercial) zoning district, including clarification of the permitted uses and conditional uses that are compatible with the purpose of the district. The amendment also adds definitions of several land uses to s. 10.01 that are used in the LC-1 district. The amendment also establishes site plan and operational plan requirements for conditional use permit applications in the district.]

Submitted by Supervisors Hendrick, Downing and Jensen, July 15, 2010. Fiscal and Policy Notes not required.

Referred to ZONING & LAND REGULATION.