

CHAPTER 12 ZONING FEES

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SUBCHAPTER I

12.001 GENERAL ZONING FEES; SUBCHAPTER I. Sections 12.01 through 12.19, inclusive, constitute subchapter I.
[History: cr., OA 6, 2001-02, pub. 08/24/01.]

12.01 TITLE. Subchapter I may be cited as the Dane County Zoning Fee Ordinance.
[History: am., OA 6, 2001-02, pub. 08/24/01.]

12.02 AUTHORITY. Subchapter I is enacted under the authority of ss. 59.696 and 59.697, Wis. Stats.
[History: am., OA 37, 1996-97, pub. 03/14/97; am., OA 6, 2001-02, pub. 08/24/01.]

12.03 ZONING PERMIT FEES FOR NEW CONSTRUCTION, ADDITIONS AND ALTERATIONS.

(1) For construction of new single family, duplex and mobile home residences, the fee shall be \$50.00 plus \$0.075 for each square foot of floor area, including basements and attached garages. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(2) For additions to or alterations of existing single family, duplex and mobile home residences, and for buildings accessory to single family, duplex and mobile home residences, the fee shall be \$50.00 plus \$0.075 for each square foot of added floor area, including basements and attached garages. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(3) For construction of commercial structures and multi-family residences, including additions, alterations and accessory buildings, the fee shall be \$200.00 plus \$2.00 for each \$1,000 of construction costs or fraction thereof. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(4) Measurements are to be made using outside dimensions. When computed, the fee amount shall be rounded to the nearest dollar.

(5) The fee for all new construction, alterations and additions to existing buildings and buildings used for agricultural purposes where a permit is required because of locational requirements of the board of adjustment shall be \$80.00, except as otherwise provided above. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(6) Cost of construction shall include the cost of mechanical equipment, but shall not include the cost of manufacturing or processing equipment or machinery, site preparation, sewage disposal systems, utility lines or landscaping.

(7) The fee for a zoning permit for equipment replacement or modification, or co-location of equipment on an existing cell tower or other structure shall be \$500.

[History: am., Sub. 1 to OA 8, 1986-87, adopted 12/12/86; am., OA 19, 1990-91, pub. 11/30/90; am., OA 26, 1997-98, pub. 04/30/98; (1) – (3) am., Sub. 1 to OA 15, 2000-01, pub. 02/05/01; (1) and (2) am., Sub. 1 to OA 16, 2001-02, pub. 03/07/02; (1), (2), (3) and (5) am., OA 9, 2004-05, pub. 10/11/04; (1) and (2) am., OA 19, 2004-05, pub. 06/16/05; (7) cr., OA 22, 2011-12, pub. 11/23/11.]

12.04 FEES FOR COPIES. The department of planning and development is authorized to charge fees for copies of zoning and related

maps and ordinances in amounts sufficient to recover the actual costs of the county in providing such copies.

[History: am., Sub. 1 to OA 8, 1986-87, adopted 12/12/86; (1) am., OA 19, 1990-91, pub. 11/30/90; rep. and recr., OA 26, 1997-98, pub. 04/30/98.]

12.05 OTHER PERMIT AND REVIEW FEES.

(1) The fee for a petition to amend the zoning maps in the M-1, C-1, or C-2 districts shall be \$500.00. The fee for a petition to amend the zoning maps in all other districts shall be \$350.00. Late Filing Fee: Where work has begun before a permit has been obtained, or where a change in the use of the property has occurred which requires a change in zoning district, or where necessary approvals have not been obtained prior to commencing a change in use, the fee shall be doubled.

(a) The zoning administrator shall collect an additional fee of \$36.00 when the petition, if granted, will result in a change to the zoning map.

(b) The zoning administrator shall collect an additional fee of \$100.00 for a density study when the petition includes a request to rezone from the A-1 Exclusive Agriculture zoning district.

(c) The zoning administrator shall collect an additional fee of \$100 per lot when the petition requests a rezone for a subdivision comprised of five or more lots. The maximum fee under this subsection shall not exceed \$2,800 per subdivision.

(d) The zoning administrator shall collect an additional fee of \$125 when the petition includes land in the shoreland-wetland or inland-wetland districts.

(e) The zoning administrator shall collect an additional Farmland Preservation Zoning Conversion Fee of \$55 per acre when the petition seeks to rezone land that is in the A-1 Exclusive Agriculture District or the A-3 Agriculture District.

(2) The fee for a petition to amend the zoning maps from the A-1 EX Exclusive Agriculture district to the Residential, Rural Homes or A-2 Agriculture district for the purpose of constructing a primary farm residence shall be \$165. Applicants must provide the zoning administrator evidence of substantial farm income derived from the farm operation as specified in s. 10.123(11) of this ordinance.

(a) The fee for a conditional use permit for a primary farm residence in the A-1 EX district shall be \$165. Applicants must provide evidence

of substantial farm income derived from the farm operation as specified in s. 10.123(11) of this ordinance.

(3)(a) Except as provided in section 12.05(2)(b) and subs. (b) and (c) herein, the fee for an application for a conditional use permit shall be \$450.00. Late Filing Fee: Where work has begun before a permit has been obtained, or where appropriate approvals have not been obtained prior to commencing a change in use which requires a conditional use permit, the fee shall be doubled.

(b) The fee for an application for a conditional use permit for the construction, placement or modification of a communication tower under section 10.194 of this code of ordinances shall be \$3,100.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(c) The fee for an application for a conditional use permit for a mineral extraction operation shall be \$1,100.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals are obtained the fee shall be doubled.

(d) In addition to the fees set forth in paragraphs (a), (b) and (c), there is imposed a digital mapping maintenance fee of \$36.00.

(e) In addition to the fees set forth in paragraphs (a), (b), (c), and (d), there is imposed a digital mapping maintenance fee of \$36.00.

(4) The fee for an application for a variance shall be \$350.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(5) The fee for an appeal to the board of adjustment of an administrator's decision shall be \$350.00.

(6) The fee for a certificate of compliance for buildings constructed prior to August 20, 1970, and all other certificates provided for in chapter 10 shall be \$45.00.

(7) The fee for a salvage yard license or renewal shall be \$125.00.

(9) The fee for each zoning certificate under the Wisconsin Farmland Preservation Act shall be \$30.00.

(a) Whenever a farm is located in two townships and two certificates are required, only one fee shall be charged.

(12) The fee for an administrative determination of the flood plain status of a parcel of land shall be \$125.00.

(13) The fee for an administrative determination of the navigability or ordinary high water mark of any lake, pond, flowage, river or stream shall be \$125.00.

(14) The fee for a preliminary density study shall be \$100.00. A *preliminary density study* is a study conducted by the department to determine the number of splits remaining for a particular parcel or to analyze other components of a town plan, performed where the person requesting the study does not have a zoning petition pending.

(15) The fee for review of a general development plan (GDP) required under s. 10.152 shall be \$400.00 plus \$5.00 for every acre proposed for development, inclusive of the fee to amend the zoning ordinance. The fee to amend a previously approved GDP or for review of a specific implementation plan (SIP) shall be \$150.00 plus \$5.00 for every acre proposed for development.

(15a) The fee for review of a general development plan (GDP) required to establish an urban planned unit development district shall be \$1,000.00 inclusive of the fee to amend the zoning ordinance. The fee to amend a previously approved GDP or for review of a specific implementation plan (SIP) required before development in an urban planned unit development district may occur shall be \$1,000.00. Except that for a rural planned unit development district, the fee shall be \$500 for the initial GDP and \$500 for an amendment or SIP.

(16) The fee for a rural number assignment shall be \$15.00.

[History: am., Sub. 1 to OA 8, 1986-87, ad. 12/12/86; (8) and (9) rep., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; am. and (1), (11) and (12) rep., OA 19, 1990-91, pub. 11/30/90; (3) and (4) am., OA 37, 1996-97, pub. 03/14/97; am., OA 26, 1997-98, pub. 04/30/98, (9) eff. 01/01/99; (15) cr., Sub. 1 to OA 33, 1997-98, pub. 07/20/98; (2), (3) and (8) am., OA 33, 1999-2000, pub. 08/11/00; (2) and (4) am. and (14) cr., Sub. 1 to OA 15, 2000-01, pub. 02/05/01; (3) am., OA 5, 2001-02, pub. 08/24/01; (2)(a) and (10) am. and (3)(c) cr., Sub. 1 to OA 16, 2001-02, pub. 03/07/02; (1), (2), (3), (4), (8), (10), (11) and (14) am., OA 9, 2004-05, pub. 10/11/04; (10) am., OA 12, 2005-06, pub. 11/11/05; (2), (3)(a), and (4) am., (8) rep. and (16) cr., OA 17, 2005-06, pub. 12/27/05; (2) and (3) am., OA 18, 2006-07, pub. 11/30/06, eff. 01/01/07; (1), (6), (7), (9), (12) and (13) am., OA 29, 2007-08, pub. 11/12/07; (1) rep., (2) renum. as (1) and, as renum., am., and (10) am., OA 30, 2008-09, pub. 11/26/08, eff. 01/01/09; (10) rep., OA 39, 2008-09, pub. 06/08/09; (1)(e) cr., OA 26, 2009-10, pub. 11/25/09; (3)(b) and (5) am., OA 27, 2009-10, pub. 11/25/09; (15a) cr., OA 44, 2009-10, pub. 02/15/10; (1) and (3)(a) am.,

(2) and (2)(a) cr., (11) rescinded, OA 22, 2009-10, pub. 09/16/10; (3)(a), (b), (c), am. and (e) cr., Sub. 1 to OA 23, 2010-11, pub. 12/02/10.]

12.06 EXEMPTIONS FROM FEES. (1) The following types of petitions and permits shall be exempt from fees:

(a) Petitions to amend the text of the ordinances when filed by a county board supervisor.

(b) Petitions to amend the zoning maps and applications for conditional use permits, special exception permits and variances if the land is owned by a municipality and the governing body thereof submits the petition or applications.

(c) Zoning permits for municipally owned buildings. For the purpose of this section municipally owned buildings shall include those buildings owned by a public school district.

(d) Permits for construction or maintenance of farm drainage ditches and soil conservation practices in a flood plain area.

(e) On a one time basis, a town board may petition to amend its zoning district maps for the purpose of implementing its land use plan without the necessity of a filing fee. It shall be the responsibility of the town board to notify owners of land that will be affected by the proposed change in the zoning district boundaries.

(f) Petitions to amend zoning maps made by a town board when it determines that it or its agent has made an error and the landowner requests correction of the error. The circumstances surrounding the claimed error shall be reported on the petition for rezoning.

(g) Petitions to amend zoning maps when the zoning administrator determines that an error has been made by county staff and the affected landowner requests the change. The zoning administrator shall promptly report any such waiver to the committee, as defined in s. 10.01(15), Dane County Ordinances, which shall have the authority to set aside the administrator's decision if it finds waiver is not justified. Any person requesting a waiver may ask the committee to review the decision of the administrator denying the request.

(h) All permits and petition fees when the land involved is owned or leased by the county and when the petition is presented, or the permit applied for, by the county executive or his or her designee or any county board supervisor.

(i) Any petition to rezone lands by the owner of the property to the zoning classification of CO-1 conservancy district.

(j) Any petition to place any lands in the historic overlay district under sec. 10.157 of this code of ordinances.

(k) Zoning permits for agricultural accessory buildings involved in the operation of a farm on zoning lots over 35 acres in size.

(2) When a petition pending before the county board is exempt from fees under this section, that fact shall be noted on the county board calendar along with citation to the specific provision authorizing the waiver under this section.

[History: am., Sub. 1 to OA 7, 1985-86, pub. 11/07/85; (1)(i) cr., OA 25, 1988-89, pub. 03/29/89; (1)(j) cr., OA 40, 1990-91, pub. 05/21/91; (1)(g) am., OA 10, 1998-99, pub. 05/18/99; (1)(c) am., OA 7, 2005-06, pub. 10/19/05; (k) cr., OA 5, 2011-12, pub. 08/31/11.]

12.07 DISPOSITION OF FEES. (1) Fees collected under subchapter I shall be accounted for and paid into the general fund of Dane County as are other monies collected by the county. A receipt shall be issued for each fee collected.

(2) Any fee, once paid, is not refundable.
[History: (1) am., OA 6, 2001-02, pub. 08/24/01.]

12.08 SIGN PERMIT FEES. (1) Permits are required for the installation, erection or alteration of the types of signs listed below. The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of chapter 10 shall not be deemed alterations requiring a sign permit.

(2) Fees are imposed according to the following schedule:

TYPE OF SIGN:	FEE
APARTMENT COMPLEX	\$ 75.00
BILLBOARDS (Each Face)	\$250.00
DEVELOPMENT (Each Face)	\$ 75.00
DIRECTORY (Each Face)	\$ 100.00
HOME OCCUPATION	\$ 50.00
LIMITED FAMILY	\$ 50.00

BUSINESS	
ON-PREMISE ADVERTISING (Each Sign)	\$ 100.00
MARQUEE (Each Sign)	\$ 100.00
SUBDIVISION (Permanent)	\$ 100.00

(3) Signs not listed are exempt from any fee and permit requirements.

(4) The term *sign* and the various types of signs listed in sub. (2) of this section have the meanings set forth in sec. 10.71.

[History: cr., Sub. 2 to OA 6, 1989-90, pub. 09/21/90; title and (2) am., OA 26, 1997-98, pub. 04/30/98; (2) am., OA 29, 2007-08, pub. 11/12/07.]

[12.09 – 12.19 reserved.]

SUBCHAPTER II

12.20 NONMETALLIC MINING PERMIT FEES; SUBCHAPTER II. (1) Sections 12.21 through 12.35, inclusive, constitute subchapter II.

(2) As used in subch. II, *WDNR* means the Wisconsin Department of Natural Resources.

(3) Unless expressly stated otherwise, words and phrases in subch. II shall have the meanings set forth in s. 74.10.

[History: cr., OA 6, 2001-02, pub. 08/24/01.]

12.21 NONMETALLIC MINING PERMIT FEES; PLAN REVIEW FEES. (1) *Amount and applicability.* A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 74.121 shall submit a non-refundable plan review fee of:

Less than one acre	No fee
One acre but not more than 25 acres	\$ 875
More than 25 but not more than 50 acres	\$ 1,100
More than 50 acres	\$ 1,300

(2) A fee shall not be assessed under this section for:

(b) Any local transportation-related mining receiving an automatic permit under s. 74.165 (See ss. NR 135.23(1)(g) and NR 135.39(5)(a), Wis. Admin. Code).

(3) A separate fee of \$550 shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to s. 74.231.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01; (1) am. and (2)(a) rep., OA 45, 2007-08, pub. 02/19/08.]

12.22 NONMETALLIC MINING PERMIT FEES; EXPEDITED PLAN REVIEW FEE. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under s. 74.123 may obtain expedited reclamation plan review by paying a fee of \$500. A fee under this section shall be in addition to that required in s. 12.21.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01.]

12.23 NONMETALLIC MINING PERMIT FEES; RELATION TO ANNUAL FEE. Reclamation plan review fees and expedited reclamation plan review fees collected under ss. 12.21 and 12.22 shall be in addition to and collected at the same time as the first annual fee collected under s. 12.27.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01.]

12.24 NONMETALLIC MINING PERMIT FEES; USE OF PROCEEDS. Fees collected under ss. 12.21, 12.22 and 12.23 shall be used only for the administration of ch. 74.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01.]

[12.25 – 12.26 reserved.]

12.27 NONMETALLIC MINING PERMIT FEES; ANNUAL FEES. (1) An operator of a nonmetallic mining site subject to the requirement for a reclamation permit issued under ch. 74 shall pay an annual fee to Dane County according to the following table:

Less than one acre	No fee
From one to not more than five acres	\$ 620
More than 5 acres but less than 10 acres	\$ 775
More than 10 acres but less than 15 acres	\$ 955
More than 15 but less than 25 acres	\$ 1,210
More than 25 but less than 50 acres	\$ 1,310
More than 50 acres	\$ 1,465

(2) The county share of the annual fee shall equal as closely as possible the county's costs of examination and approval of nonmetallic mining reclamation plans and the inspection of nonmetallic mining sites.

(3) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

(a) *Unreclaimed acre* or *unreclaimed acres* has the meaning set forth in s. 74.10(25).

(4) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year.

(5) Fees shall be paid no later than January 31 for the previous calendar year.

(7) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by the zoning administrator pending certification of completed reclamation pursuant to sub. 74.141(7). Upon such certification, the zoning administrator shall refund that portion of the annual fee that applies to the reclaimed areas. If the zoning administrator fails to make a determination under s. 74.141(7) within 60 days of the request, the zoning administrator shall refund that portion of the annual fee that applies to the reclaimed areas.

(8) The fee for a site on which no nonmetallic mining has taken place during the previous calendar year shall be \$25.

(9) Except for fees assessed and collected under sub. (7), fees imposed by this section apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under s. 74.291.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01; (1) and (5) am. and (6) rep., OA 45, 2007-08, pub. 02/19/08; (1) am., Sub. 1 to OA 23, 2010-11, pub. 12/02/10.]

12.28 NONMETALLIC MINING PERMIT FEES; ALLOCATION OF FEES BETWEEN COUNTY AND WDNR. (1) A share of the fees collected under s. 12.27 shall be paid over to the WDNR.

(a) Except as provided in sub. (2), the WDNR's share of such fees shall be equal to the amount specified in Table 1 of s. 135.39, Wis. Admin. Code, as amended from time to time.

(2) The WDNR's share of fees collected under s. 12.27(7) shall be \$15.

(3) The zoning administrator shall forward WDNR's share of fees collected under s. 12.27 to the WDNR by March 31st of the year for which they were collected.

[**History:** cr., OA 6, 2001-02, pub. 08/24/01.]

12.29 NONMETALLIC MINING PERMIT FEES; DOCUMENTATION OF COUNTY SHARE. (1)

The county's share of fees established in s. 12.27 shall be based on estimated program costs of the department of planning & development.

(2) Documentation required by this section shall be available for public inspection at all times during normal business hours in the office of the director of planning & development.

[History: cr., OA 6, 2001-02, pub. 08/24/01.]

[12.30 – 12.32 reserved.]

12.33 NONMETALLIC MINING APPEAL FILING FEES. The filing fee for an appeal to the nonmetallic mining appeals board brought under ch. 74 is \$100.

[History: cr., OA 6, 2001-02, pub. 08/24/01.]

[12.34 – 12.99 reserved.]

END OF CHAPTER