

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 Section 10.01(23g) is rescinded:

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 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 such use, including all areas devoted to restrooms, storage, utilities and circulation.

ARTICLE 6. Section 10.01(55a) is created to read as follows:

(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.

ARTICLE 7. Section 10.01(7) is amended to read as follows:

(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.

ARTICLE 8. Section 10.04(1)(b) is amended to read as follows:

(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 side 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 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, 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.

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

Permitted uses in the A-1 Agriculture District

- (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.

ARTICLE 11. Section 10.12(5)(a) is amended to read as follows:

- (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.

ARTICLE 12. Section 10.123(3)(L) is amended to read as follows:

Conditional uses in the A-1EX District

- (L) 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 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.

ARTICLE 13. Section 10.126(3)(r) is amended to read as follows:

Conditional uses in the A-2 District

- (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.

ARTICLE 14. Section 10.126(3)(x) is created to read as follows:

Conditional Uses permitted in the A-2 Agriculture District

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

ARTICLE 15. Section 10.129(2)(d) is amended to read as follows:

Permitted uses in the A-4 District

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

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

Conditional uses in the A-4 District

- (d) The seasonal storage of recreational equipment and motor vehicles owned by private individuals, such 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 ordinance.

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

General provisions applicable to the A-4 District

- (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.

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

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

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

Building height limits.

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

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

Building height limits.

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

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

ARTICLE 22. Section 10.25(3)(a)1 is amended to read as follows:

- (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.

ARTICLE 23. Section 10.25(3)(a)3 is created to read as follows:

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.