



Dane County Planning & Development Zoning Division

June 24, 2014

TO: Travis Myren
Director of Administration, Dane County

FROM: Hans Hilbert
Assistant Zoning Administrator, Dane County

RE: Formal Permitted Use Determination

Thank you for your request for an interpretation of a permitted use in the C-1 Commercial Zoning District. The day resource center is a service use that will operate during normal business hours, and offer services and amenities to members of the public. Based on the information submitted in your request, dated June 23, 2014, I have determined that a day resource center is a permitted use which may be lawfully established in the C-1 Commercial Zoning District, provided it conforms with all requirements and regulations of the C-1 District.

This determination has been based on the following:

1. Dane County Code of Ordinances section 10.13(1)(a) states “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” are permitted uses in the C-1 Commercial Zoning District. It is my determination that a day resource center is a service use that, for purposes of land use regulation, is similar in nature to the retail and service uses listed.
2. The Dane County Code of Ordinances does not explicitly define a day resource center, nor is such an explicit use exclusively listed as a permitted, conditional, or prohibited use elsewhere in the ordinance.
3. The proposed day resource center will operate as a service use which is similar in nature to other service uses currently operating under C-1 Commercial Zoning within the jurisdiction of Dane County Zoning. Other similar service uses permitted by Dane County Zoning include youth service centers, tax/financial planning centers, fitness centers, food pantries, temporary employment centers, as well as the existing Hospitality House at the proposed site. These uses, which are not explicitly defined, are currently permitted as service uses within the C-1 Commercial Zoning District.
4. I have determined that the proposed use is not of similar nature to uses that would require a conditional use permit or special exemption permit. Such conditional uses require site suitability to allow for specific regulation of such things as: noise, odor, traffic, building size, overnight accommodations, licensed premises, unusual or extended hours of operation, large crowds, and uses that may not be compatible with surrounding land uses unless such use is specifically regulated.

I hope that this determination has satisfied your request. Please do not hesitate to contact me with any additional questions or comments. This determination may be appealed by any party aggrieved by the decision. Any appeal must be filed within 30 days after the date of receipt of this written decision by filing a notice of appeal with the Dane County Zoning Division in accordance with the rules of the Dane County Board of Adjustment.

CC: Roger Lane, Zoning Administrator