

2016 OA-067

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING CONDITIONAL USE PERMIT APPEALS

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 10.255(2)(b) is amended to read as follows:

(b) Authority. The zoning committee is authorized by Wis. Stat. § 59.69(2)(bm) to grant conditional use permits. Subject to sub. (c), the zoning committee, after a public hearing, shall, within a reasonable time, grant or deny any application for conditional use. Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and issue a determination whether the prescribed standards are met. No permit shall be granted when the zoning committee or applicable town board determines that the standards are not met, nor shall a permit be denied when the zoning committee and applicable town board determine that the standards are met.

ARTICLE 3. Section 10.255(2)(c)2. is amended to read as follows:

2. Either the town board or the zoning committee may deny an application for conditional use permit. If the town board action is denial no further action by the zoning committee is required. The zoning committee may approve or deny a conditional use permit without town action if the town board fails to act within the time period set forth in sub. 1. above. ~~All such decisions may be appealed to the county board under sub. (2)(j). If the county board reverses a denial by the town board, the application shall be referred to the zoning committee with instructions to draft appropriate conditions.~~

ARTICLE 4. Section 10.255(2)(c)4. is amended to read as follows:

4. If the town board approves the application subject to conditions and such conditions are amended or deleted by the zoning committee, the conditional use permit as approved by the zoning committee shall be submitted to the town board for approval of the zoning committee's conditions or denial of the permit. The town board shall submit a certified resolution indicating their action to the zoning administrator within forty (40) days of the approval by the zoning committee. If the town board does not act within the forty (40) day time period, the permit shall be deemed approved. If the town board denies the permit with the conditions as amended by the zoning committee, the permit shall be deemed denied. ~~Such denial is appealable to the county board under sub. (2)(j).~~

ARTICLE 5. Section 10.255(2)(j) is amended to read as follows:

(j) Appeal. Any person aggrieved by a decision of the zoning committee or a town board regarding the grant or denial of a conditional use permit may appeal to the Dane County Board of Adjustment within 30 days of the final decision. ~~or~~

48 ~~the county board supervisor of the district in which the affected parcel is located,~~
49 ~~may appeal the decision of the town board or zoning committee to the county~~
50 ~~board. Such appeal must specify the grounds thereof in respect to the findings~~
51 ~~of the zoning committee, town board or both, the reason why the appellant is~~
52 ~~aggrieved and must be filed with the office of the zoning administrator within 20~~
53 ~~days of the final action. The zoning administrator shall transmit such appeal to~~
54 ~~the county clerk who shall file such appeal with the county board. The county~~
55 ~~board shall fix a reasonable time for the hearing of the appeal and give public~~
56 ~~notice thereof as well as due notice to the applicant and the appellant(s) and~~
57 ~~decide the same within a reasonable time. The action of the zoning committee,~~
58 ~~town board or both, shall be deemed just and equitable unless the county board~~
59 ~~by a three-fourths vote of supervisors present and voting reverses or modifies~~
60 ~~the action appealed from. An appeal from a decision of the zoning committee,~~
61 ~~town board or both, shall be taken to the county board. No other entity of county~~
62 ~~government has jurisdiction to hear any such appeal and the avenue of appeal~~
63 ~~provided for herein is exclusive, notwithstanding any appeal procedure as may~~
64 ~~be authorized by state law for specific conditional uses.~~

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66 *[EXPLANATION: This amendment rescinds the provision for the appeal of a*
67 *decision by the ZLR Committee or town regarding a conditional use permit to the*
68 *full county board. The remedy available to a person aggrieved by a decision of*
69 *the committee or the town shall be an appeal to the Dane County Board of*
70 *Adjustment.]*
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