

Dane County Comprehensive Revision of Zoning Ordinance
Proposed language for nonconforming mineral extraction sites REVISED 3/9/2017

10.101(6)(b) 2. Abandonment or Discontinuation of a Nonconforming Use.

- a. Any use that is discontinued or abandoned for a period of one (1) year shall be considered terminated and shall lose its nonconforming status. Any future use or reestablishment of a previously nonconforming use on the premises must conform to the provisions of this ordinance, except as specifically exempted below.
- b. For the purposes of this section, legally established, nonconforming mineral extraction operations which existed prior to 1969, and were registered with and approved by the Dane County Zoning Administrator at the time, are considered discontinued or abandoned only if, after receipt of written notice by certified mail, return receipt requested, from the zoning administrator that a property is subject to the conditions of this paragraph, the owner or operator fails to complete any of the following:
 - i. Filing, within a year of the effective date of this ordinance, of a reclamation plan under Chapter 74, Dane County Code;
 - ii. Filing, in any calendar year, within 90 days of receipt of written notice by certified mail, return receipt requested by the zoning administrator, of the Dane County Annual Mineral Extraction Operator Report and any associated annual filing fees;
 - iii. Record a deed notice document that: indicates the presence of a nonconforming mineral extraction site; describes the boundaries of the nonconforming mineral extraction site, and; is signed by the landowner and the zoning administrator.
- c. The relocation or expansion of any nonconforming use beyond areas where such use was originally established shall conform to all standards and requirements of this ordinance.