



## Dane County Planning and Development Department

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DATE: June 4, 2025

TO: Dane County Towns

FROM: Roger Lane, Dane County Zoning Administrator

RE: **Revisions to the Conditional Use Permit Process**

CC: Todd Violante, Dane County Planning and Development Director  
Tom Mathies, Dane County Towns Association President

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The Dane County Zoning Ordinance was recently updated under [Ordinance Amendment #23, 2024](#) to revise the way Conditional Use Permits (CUPs) are processed. The amendment brings the ordinance into alignment with state law which specifies the procedures counties must follow for conditional use permits. As a result of the change, towns will now have greater flexibility in how they review applications, while still playing a critical role in the final CUP decision. The information below is intended to help guide towns through the new process.

### Town Process

- The town will still need to review CUP applications.
- County Staff will advise applicants to contact the town before submitting a CUP application in order to get initial feedback on any town-specific policies. Such early information sharing can help avoid applicants in making changes to their proposal as the CUP is in process.
- Towns no longer need to issue a Class II notice or hold formal public hearings on CUP applications. The formal public hearing will be held at the Zoning and Land Regulation (ZLR) Committee on the date listed on the CUP application.
- Towns may place CUPs on a regular Town Board or Plan Commission agenda using standard posting procedures.
- Prior to placing the CUP on the agenda for review, it is suggested that the town wait until the applicant obtains a complete application from the Zoning Division. Complete applications have CUP numbers assigned.
- Some towns may have their own CUP application forms. It is strongly encouraged that towns limit these forms to just contact information and/or town fees. It is important for the town to base their review and recommendation solely on formal County CUP applications. If additional information is needed by the town, please contact county staff for assistance.
- Town officials and residents are also encouraged to participate in the formal public hearing at the ZLR Committee.

### Timing for Town Action

- Towns have until 60 days after the ZLR public hearing to submit a recommendation. If more time is needed, simply notify the ZLR Committee. County staff will reach out to the town if the 60-day period is approaching.
- The ZLR Committee will not take action without a town recommendation unless the town notifies the Committee in writing that it intends to take no action.

### Town Options for Decision-Making

- CUPs may be reviewed by just the Town Board or by both the Plan Commission and Town Board.
- Towns are encouraged to adopt a policy outlining their CUP review process to ensure consistency across applications.
- The process still requires consistency with the adopted Comprehensive Plan as a CUP standard. If the town has policies for specific conditional uses beyond what is in the zoning ordinance, these can be applied as part of the CUP review.
- If towns wish to add language into their Town Plan, please contact planning staff for assistance.

### Town Recommendation Options

The town has three options for making recommendations to the ZLR Committee on CUPs:

- Recommend approval (with or without conditions)  
If the town determines that the proposal meets the standards of a conditional use permit, the town can make the ZLR Committee aware by using the revised CUP Town Action Report. If conditions are needed to meet the standards or address concerns, please note them on the report.
- Recommend Denial  
If the town determines that the proposal does not meet one or more of the applicable CUP standards, the town will need to identify the standard(s) and provide reasoning (“factual basis”) as to why the proposal fails to meet that standard. County Staff can assist the town in preparing reasoning.
- Take No Action  
If the town chooses not to make a recommendation, the town can simply submit the Town Action Report noting no action will be taken by the town. If town residents or officials have concerns that they want to express, written comments can be submitted or oral comments can be made at the formal ZLR public hearing.

### CUP Worksheet

A worksheet has been prepared to help officials review CUP proposals. The sheet lists a summary of the standards for approval of a CUP as well as potential nuisances and impacts that may occur with conditional uses. If potential impacts are identified, the town could create a condition to address them. If concerns and impacts cannot be resolved, the conditional use may be inappropriate for the area.

### Town Action Report

A revised Town Action Report has been prepared to record the Town Action. See attached form. The online Town Action reporting website is still in the process of being updated. Please email the form into the Zoning Division at [plandev@danecounty.gov](mailto:plandev@danecounty.gov).

If the town would like County Staff to do a presentation on the revised CUP process, we would be happy to come to the Town Hall and present. Please do not hesitate to contact us.