

Dane County Comprehensive Revision of Chapter 10 Proposed ordinance related to mineral extraction

REVISED DRAFT 1/3/2017

Yellow Highlighting indicates changes made after 12/20/2016 meeting with DCAAP

blue text indicates edits made by DCAAP 1/5/2017

Green Highlighting is duplicated information

2. Nonconforming Uses and Structures

(a) Nonconforming Uses. 1. *Continuation of a Legal, Nonconforming Use.*

- a. The lawful principal use of a building or premises existing at the time of adoption of this ordinance may be continued as a nonconforming use.
- b. Any existing nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or to a conforming use.

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, legal, nonconforming mineral extraction sites are considered discontinued or abandoned if the owner or operator fails to complete any of the following:
 - (i) Filing, within a year of the effective date of this ordinance, ~~of an approved~~ a reclamation plan under Chapter 74, Dane County Code;
 - (ii) Filing, in any calendar year, of the Dane County Annual Mineral Extraction Operator Report and any associated annual filing fees.
- c. Any nonconforming use, the location of which is changed to another part of the premises, shall be considered abandoned one (1) year after the locational change and, in any event, any nonconforming use at the new location shall be invalid.